

Draft FoodDrinkEurope

Guidance on Food Information to Consumers: Chapter on ‘Nutrition Labelling’

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IN SHORT...

Back-of-Pack

Content

- For pre-packed foods, food business operators must have a nutrition declaration on their label, indicating the **energy value** and the amounts of **fat, saturates, carbohydrate, sugars, protein** and **salt**. If the salt is exclusively derived from sodium chloride, then a specific statement may be provided indicating this in close proximity to the nutrition declaration.
- The following nutrients may be added to the back-of-pack nutrition table on a voluntary basis: **mono-unsaturates, polyunsaturates, polyols, starch, fibre**, and/or **certain vitamins or minerals**.
 - Only vitamins or minerals which are listed below, and present in significant amounts as defined in Annex XIII, may be added:

<ul style="list-style-type: none"> • Vitamin A (µg) • Vitamin D (µg) • Vitamin E (mg) • Vitamin K (µg) • Vitamin C (mg) • Thiamin (mg) • Riboflavin (mg) • Niacin (mg) • Vitamin B6 (mg) 	<ul style="list-style-type: none"> • Folic acid (µg) • Vitamin B12 (µg) • Biotin (µg) • Pantothenic acid (mg) • Potassium (mg) • Chloride (mg) • Calcium (mg) • Phosphorus (mg) • Magnesium (mg) 	<ul style="list-style-type: none"> • Iron (mg) • Zinc (mg) • Copper (mg) • Manganese (mg) • Fluoride (mg) • Selenium(µg) • Chromium (µg) • Molybdenum (µg) • Iodine (µg)
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- For non-prepacked foods, the nutrition declaration may be limited to the **energy value** only or **energy, fat, saturates, sugars and salt**. For alcoholic beverages, the nutrition declaration may be limited to **energy** only. Food business operators are free to implement the full mandatory nutrition declaration.
- Certain foods are exempted from the requirement to bear a mandatory nutrition declaration. These are listed in the Regulation under Annex V.

Expression

- The energy value and all nutrients that are declared must use the measurement units that are listed in Annex XV. The energy value must be provided in kilojoules (kJ) and in kilocalories (kcal).
- The energy value and all nutrients that are declared must be expressed *per 100g/100ml* (mandatory).
- In addition, the energy value and all nutrients that are declared may be expressed *per portion* (voluntary).
 - There are however several general conditions when food business operators wish to use per portion expression:
 - a. The portion/consumption unit is easily recognisable by the consumer;
 - b. The portion or unit used is quantified on the label;
 - c. The number of portions/units contained in the package is stated.
- In addition, the energy value and all mandatory nutrients may be expressed as **% GDA** (voluntary) on the back-of-pack. Please note that this is not possible for the nutrients that may be added on a voluntary basis.

Presentation

- The mandatory nutrients and the voluntary nutrients must be included in the “same field of vision” (i.e. normally back-of-pack).
- The energy value and the other nutrients that are declared must be presented in a clear (tabular) format and should follow the order of presentation as provided for in Annex XV.



IN SHORT...

Front-of-Pack

Content

- On the front-of-pack of the label, nutrition information may be provided for either:
 - The energy value, or
 - The energy value and fat, saturates, sugars and salt

It is not possible to provide nutrition information for nutrients not mentioned in the above two options on the front-of-pack.

Expression

- When GDAs are provided, the energy value on the front-of-pack must always be declared *per 100g/100ml and per portion*. If, in addition to the energy value, also the other nutrients (fat, saturates, sugars, and salt) are provided, the other nutrients may be declared as *GDAs per portion alone*.
- Food business operators may also decide to repeat the absolute amounts on the front-of-pack, but this must be given per 100g/ml (and, if wished so, additionally per portion).

Presentation

- A font size of 1.2mm applies for the nutrition labelling on the front-of-pack, regardless of the size of the pack. Hence, in contrast to the back-of-pack, there is *no* derogation for containers or packages with a largest surface smaller than 80cm².
- In case GDAs are provided, the following statement must be placed in close proximity to the GDAs: "Reference intake of an average adult (8 400 kJ/2 000 kcal)"

Article-by-Article

Section 3 of the Regulation on the provision of food information to consumers (hereafter: “the Regulation”) covers all major provisions related to nutrition declaration¹.

The section includes Articles 29 until Article 35, which is subdivided into the following elements of the nutrition declaration:

- **Article 29: relationship with other legislation**
- **Article 30: content**
- **Article 31: calculation**
- **Article 32: expression (per 100g/100ml)**
- **Article 33: expression (per portion)**
- **Article 34: presentation**
- **Article 35: additional forms of expression and/or presentation**

Content (Art. 30), expression (Art. 32, 33) and presentation (Art. 34) are the fundamental principles of nutrition labelling:

- a) **Content:** these provisions deal with the content of the nutrition declaration, i.e. which nutrients must/may be declared?
- b) **Expression:** these provisions deal with the way in which the nutrients must/may be expressed (per 100g/ml, per portion, GDAs, ...)
- c) **Presentation:** these provision deal with the way in which the nutrients must/may be presented (same field of vision, principal field of vision, in a certain font size, etc.)

On top, Article 35 provides for a process that would possibly allow additional forms of *expression* (conf. Art. 32, 33) and/or additional forms of *presentation* (conf. Art. 34).

In addition, there are other relevant provisions in the Regulation that are (directly or indirectly) related to nutrition labelling:

- **Article 2.2(k) and 2.2(l):** definitions of “field of vision” and “principal field of vision”
- **Article 15:** language requirements
- **Article 36.3(c) and Article 43:** voluntary food information and (national or EU) rules regarding reference intakes for specific population groups
- **Annex I:** specific definitions (e.g. on nutrients)
- **Annex V:** list of foods that are exempted from the mandatory nutrition declaration
- **Annex XIII:** reference intakes
- **Annex XIV:** conversion factors
- **Annex XV:** expression and presentation of nutrition declaration

Articles 30 to 35 will be covered in detail in the next pages. The other related articles will be referred to, where appropriate, relating to the corresponding Articles 30 to 35.

¹ The terms “nutrition declaration” and “nutrition labelling” are used interexchangeably.

As the articles are strongly interrelated, with various cross-references throughout the text, it is important to consider all articles in this section in their totality rather than on a stand-alone basis.

Art. 29 – Relationship with other legislation

29.1: Foods that are not subject of the Regulation's nutrition labelling requirements

This Section shall not apply to foods falling within the scope of the following legislation:

(a) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements;

(b) Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters.

The nutrition labelling rules do not apply to:

- d) Food supplements
- e) Natural mineral waters.

29.2: Foods with special (vertical) nutrition labelling rules

This Section shall apply without prejudice to Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses and specific Directives as referred to in Article 4(1) of that Directive.

Foodstuffs intended for particular nutritional uses (PARNUTS) have vertical rules regarding nutrition labelling which have to be considered.

Annex V: Foods that are exempted from mandatory nutrition declaration

Please note that in addition to Article 29, Annex V of the Regulation lists the foods which are exempted from the *mandatory* nutrition declaration. These are:

1. Unprocessed products that comprise a single ingredient or category of ingredients;
2. Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients;
3. Waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings;
4. A herb, a spice or mixtures thereof;
5. Salt and salt substitutes;
6. Table top sweeteners;
7. Products covered by Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (1), whole or milled coffee beans and whole or milled decaffeinated coffee beans;
8. Herbal and fruit infusions, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract, which do not contain other added ingredients than flavourings which do not modify the nutritional value of the tea;
9. Fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
10. Flavourings;
11. Food additives;

- 12. Processing aids;
- 13. Food enzymes;
- 14. Gelatine;
- 15. Jam setting compounds;
- 16. Yeast;
- 17. Chewing-gums;
- 18. Food in packaging or containers the largest surface of which has an area of less than 25 cm²;
- 19. Food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

When the food business operator nevertheless decides to apply nutrition labelling on a voluntary basis for the above foods, it will have to comply with the requirements set out in Section 3 of the Regulation.

Art. 30 – Content

This Article is structured as follows:

- 30.1: *Mandatory nutrients*
- 30.2: *Voluntary nutrients*
- 30.3: *Nutrients that may be repeated*
- 30.4: *Nutrient declaration in case of alcoholic beverages*
- 30.5: *Nutrient declaration in case of non-prepacked foods*
- 30.6: *EC implementing measures – addition/removal of particulars*
- 30.7: *EC implementing measures – TFA report*

The Article provides the content of the nutrition declaration; in other words: which nutrients are mandatory, which voluntary nutrients can be declared, and which of the mandatory nutrients can be repeated elsewhere. This is covered in para 30.1 - 30.3.

Para 30.4 and 30.5 provide special provisions for alcoholic beverages and non-prepacked foods.

Para 30.6 covers the implementing measures that may be undertaken by the European Commission, whereas para 30.7 covers the implementing measures which the European Commission must take.

30.1: Mandatory nutrients

The mandatory nutrition declaration shall include the following:
(a) energy value; and
(b) the amounts of fat, saturates, carbohydrate, sugars, protein and salt.

Food business operators must have a nutrition declaration on their label, indicating the energy value and the amounts of the nutrients mentioned above.

It is understood that it is no longer possible to declare components of the nutrients (e.g. beta glucans, omega-3 fatty acids) other than those indicated in Annex I of the Regulation.

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.

Under the new rules, it is no longer possible to indicate sodium; rather, salt must be declared in the mandatory nutrition declaration.

However, if the salt content is exclusively due to the presence of naturally occurring sodium, food business operators may add a statement to clarify this. The positioning of this statement must be close to the nutrition declaration.

QUESTION FOR MEMBERS:

1. According to you, can this statement also be made in case the sodium is introduced as a component of another ingredient than sodium chloride, e.g. exclusively by added minerals, vitamins or additives? What if sodium is introduced as a component of a technological aid (SAPP)?

It is FoodDrinkEurope's interpretation that

Furthermore, please note that mandatory food information (including the mandatory nutrition declaration) needs to comply with the language requirements set out in Article 15 of the Regulation:

- *It shall appear in a language easily understood by consumers of the Member States where a food is marketed;*
- *Member States may stipulate which information needs to be provided in one or more official EU languages;*

See also the specific sections in this document on:

- "Mandatory and voluntary back-of-pack nutrition labelling"

30.2: Voluntary nutrients

The content of the mandatory nutrition declaration referred to in paragraph 1 may be supplemented with an indication of the amounts of one or more of the following:

- (a) mono-unsaturates;
- (b) polyunsaturates;
- (c) polyols;
- (d) starch;
- (e) fibre;
- (f) any of the vitamins or minerals listed in point 1 of Part A of Annex XIII, and present in significant amounts as defined in point 2 of Part A of Annex XIII.

The above nutrients may be added on a voluntary basis to the nutrition declaration. Please note that the list is exhaustive, i.e. it is not possible to declare voluntary nutrients other than those that are indicated in this para.

It is understood that it is no longer possible to declare components of the nutrients (e.g. beta glucans, omega-3 fatty acids) other than those indicated in Annex I of the Regulation.

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”

30.3: Nutrients that may be repeated

Where the labelling of a prepacked food provides the mandatory nutrition declaration referred to in paragraph 1, the following information may be repeated thereon:

- (a) the energy value; or
- (b) the energy value together with the amounts of fat, saturates, sugars, and salt.

This applies to pre-packed foods that have a mandatory nutrition declaration obligation in accordance with 30.1.

On a voluntary basis, food business operators may decide to repeat mandatory nutrient(s) from the mandatory nutrition declaration elsewhere. The nutrients that may be repeated are bound and must be the following:

Option 1:

- Energy;
-

Option 2:

- Energy + fat + saturates + sugars + salt

Please note that the specific expression and presentation requirements when repeating these nutrient(s) are covered by Art. 32, 33 (expression) and Art. 34 (presentation).

30.4: Nutrient declaration in case of alcoholic beverages

By way of derogation from Article 36(1), where the labelling of the products referred to in Article 16(4) provides a nutrition declaration, the content of the declaration may be limited to the energy value only.

For alcoholic beverages, the nutrition declaration may be limited to energy only. Food business operators are free to implement the full mandatory nutrition declaration under 30.1.

30.5: Nutrient declaration in case of non-prepacked foods

Without prejudice to Article 44 and by way of derogation from Article 36(1), where the labelling of the products referred to in Article 44(1) provides a nutrition declaration, the content of that declaration may be limited only to:

- (a) the energy value; or
- (b) the energy value together with the amounts of fat, saturates, sugars, and salt.

For non-prepacked foods, the nutrition declaration may be limited to energy only *or* energy + fat + saturates + sugars + salt.

Food business operators are free to implement the full mandatory nutrition declaration under 30.1.

30.6: EC implementing measures – addition/removal of particulars

In order to take account of the relevance of particulars referred to in paragraphs 2 to 5 of this Article for the information of consumers, the Commission may, by means of delegated acts, in accordance with Article 51, amend the lists in paragraphs 2 to 5 of this Article, by adding or removing particulars.

The European Commission may add or remove nutrients in the paragraphs 2-5. The European Commission has no possibility according to this paragraph to amend the list of mandatory nutrients (para 1).

30.7: EC implementing measures – TFA report

By ...*, the Commission, taking into account scientific evidence and experience acquired in Member States, shall submit a report on the presence of trans fats in foods and in the overall diet of the Union population. The aim of the report shall be to assess the impact of appropriate means that could enable consumers to make healthier food and overall dietary choices or that could promote the provision of healthier food options to consumers, including, among others, the provision of information on trans fats to consumers or restrictions on their use. The Commission shall accompany this report with a legislative proposal, if appropriate.

The European Commission must come up with a report on transfats within 3 years after the entry into force (i.e. by November 2014).

Depending on the outcome of the report, the European Commission may accompany the report with a legislative proposal, which could range as far as proposing the (mandatory) labelling of TFA or restrictions on their use.

Art. 31 – Calculation

Article 31 covers the way the energy value and/or nutrients should be calculated. The article is structured as follows:

- 31.1: Energy conversion factors
- 32.2: Possible EC implementing measures on conversion factors for vitamins and minerals
- 32.3: State of the food
- 32.4: Declared values

31.1: Energy conversion factors

The energy value shall be calculated using the conversion factors listed in Annex XIV.

The energy value to be declared must be calculated using the following conversion factors:

— carbohydrate (except polyols),	17 kJ/g — 4 kcal/g
— polyols,	10 kJ/g — 2,4 kcal/g
— protein,	17 kJ/g — 4 kcal/g
— fat,	37 kJ/g — 9 kcal/g
— salatrims,	25 kJ/g — 6 kcal/g
— alcohol (ethanol),	29 kJ/g — 7 kcal/g
— organic acid,	13 kJ/g — 3 kcal/g
— fibre,	8 kJ/g — 2 kcal/g
— erythritol,	0 kJ/g — 0 kcal/g

31.2: Possible EC implementing measures on conversion factors for vitamins and minerals

The Commission may adopt, by means of delegated acts, in accordance with Article 51, conversion factors for the vitamins and minerals referred to in point 1 of Part A of Annex XIII, in order to calculate more precisely the content of such vitamins and minerals in foods. Those conversion factors shall be added to Annex XIV.

The European Commission may adopt conversion factors for the following vitamins and minerals:

<ul style="list-style-type: none"> • Vitamin A (µg) • Vitamin D (µg) • Vitamin E (mg) • Vitamin K (µg) • Vitamin C (mg) • Thiamin (mg) • Riboflavin (mg) • Niacin (mg) • Vitamin B6 (mg) 	<ul style="list-style-type: none"> • Folic acid (µg) • Vitamin B12 (µg) • Biotin (µg) • Pantothenic acid (mg) • Potassium (mg) • Chloride (mg) • Calcium (mg) • Phosphorus (mg) • Magnesium (mg) 	<ul style="list-style-type: none"> • Iron (mg) • Zinc (mg) • Copper (mg) • Manganese (mg) • Fluoride (mg) • Selenium(µg) • Chromium (µg) • Molybdenum (µg) • Iodine (µg)
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31.3: State of the food

The energy value and the amounts of nutrients referred to in Article 30(1) to (5) shall be those of the food as sold.

Where appropriate, the information may relate to the food after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

The energy value and the amount of nutrients must be those of the food as sold. This applies to the mandatory nutrients (Art. 30.1), the voluntary nutrients (Art. 30.2), the nutrients that may be repeated (Art. 30.3), nutrient declaration in case of alcoholic beverages (Art. 30.4) and nutrient declaration in case of non-prepacked foods (Art. 30.5).

Where appropriate, the information may relate to the food after preparation, under the condition that that:

- a. sufficiently detailed preparation instructions are given
- b. the information relates to the food as prepared for consumption

QUESTION FOR MEMBERS:

1. Please provide an example of the latter.

An example of the latter could be:

31.4: Declared values

The declared values shall, according to the individual case, be average values based on:

- (a) the manufacturer's analysis of the food;
- (b) a calculation from the known or actual average values of the ingredients used; or
- (c) a calculation from generally established and accepted data.

The Commission may adopt implementing acts setting out detailed rules for the uniform implementation of this paragraph with regard to the precision of the declared values such as the differences between the declared values and those established in the course of official checks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Declared values must be average values based on:

- the manufacturer's analysis of the food;
- a calculation from the known or actual average values of the ingredients used;
- a calculation from generally established and accepted data.

A combination of the above methods is also tolerated.

The European Commission may adopt detailed rules for the precision of the declared values (e.g. tolerances, rounding rules).

Art. 32 – Expression per 100g or per 100ml

Article 32 and 33 cover the expression of the nutrients; in other words: in which cases must/may the nutrients in Article 30 (content) be expressed per 100g/ml and in which cases per portion (or both)? Art. 32 covers the rules on the expression per 100g/ml, whereas Art. 33 covers the rules on the expression per portion.

Article 32 is structured as follows:

- 32.1: measurement units to be used for all nutrients
- 32.2: mandatory expression per 100g/100ml for all nutrients
- 33.3: mandatory expression per 100g/100ml and GDAs per 100g/100ml for vitamins and minerals
- 33.4: voluntary expression of GDAs per 100g/100ml
- 33.5: GDA statement of the reference intake

32.1: Measurement units to be used for the energy value and all nutrients

The energy value and the amount of nutrients referred to in Article 30(1) to (5) shall be expressed using the measurement units listed in Annex XV.

No matter the type of ‘content’ (e.g. mandatory, voluntary or repeated nutrients), the energy value and all nutrients that are declared must use the measurement units that are listed in Annex XV.

The energy value must be provided in kilojoules (kJ) *and* in kilocalories (kcal).

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”

32.2: Mandatory expression per 100g/100ml for all nutrients

The energy value and the amount of nutrients referred to in Article 30(1) to (5) shall be expressed per 100 g or per 100 ml.

The energy value and all nutrients that are declared must be expressed per 100g/100ml. The most obvious place for food business operators to do so is in the nutrition table on the back-of-pack.

When repeating nutrients, the energy value and all nutrients when repeated must be expressed per 100g/100ml.

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”

32.3: Mandatory expression per 100g/100ml and GDAs per 100g/100ml for vitamins and minerals

When provided, the declaration on vitamins and minerals shall, in addition to the form of expression referred to in paragraph 2, be expressed as a percentage of the reference intakes set out in point 1 of Part A of Annex XIII in relation to per 100 g or per 100 ml.

In addition to the mandatory declaration per 100g/100ml (Art. 32.2), vitamins and minerals must be expressed as a percentage of the reference intakes per 100g/100ml. It is FoodDrinkEurope’s interpretation that, in line with current practice, this can be done in the same column as the %GDA.

Hypothetical example:

	Per	% GDA
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	100g/ml	
Vitamin C	... g	...%
Vitamin B12	... g	...%

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”
- “Guideline Daily Amounts”

32.4: Voluntary expression of GDAs per 100g/100ml

In addition to the form of expression referred to in paragraph 2 of this Article, the energy value and the amounts of nutrients referred to in Article 30(1), (3), (4) and (5) may be expressed, as appropriate, as a percentage of the reference intakes set out in Part B of Annex XIII in relation to per 100 g or per 100 ml.

This paragraph provides the basis for the expression as GDAs for the mandatory nutrients (30.1), nutrients that may be repeated (30.3), nutrients in case of alcoholic beverages (30.4), and nutrients in case of non-prepacked foods (30.5).

It can be noted that the expression as GDAs is *not* possible for the voluntary nutrients.

This Article should be read in conjunction with Art. 33.1(c), which provides for the possibility to express the GDAs *per portion*.

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”

32.5: GDA statement of the reference intake

Where information is provided pursuant to paragraph 4, the following additional statement shall be indicated in close proximity to it: “Reference intake of an average adult (8400 kJ/2000 kcal)”.

When GDAs are provided (in accordance with Art. 32.4), the food business operator must add the above exact statement. The position of the statement depends on where the GDA information has been provided.

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”

Art. 33 – Expression per portion or per consumption unit

Whereas Art. 32 covers the rules on the expression *per 100g/ml*, Art. 33 covers the rules on the expression *per portion*.

Article 33 is structured as follows:

- 33.1: Possible cases of *per portion* expression

- 33.2: GDAs per portion alone for the nutrients that may be repeated
- 33.3: GDAs per portion alone for the nutrients for non-prepacked foods
- 33.4: Expression of the portion/unit used
- 33.5: EC implementing measures on the expression per portion or per consumption unit for specific categories of foods

33.1: Possible cases of per portion expression

In the following cases, the energy value and the amounts of nutrients referred to in Article 30(1) to (5) may be expressed per portion and/or per consumption unit, easily recognisable by the consumer, provided that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated:

- (a) in addition to the form of expression per 100 g or per 100 ml referred to in Article 32(2);
- (b) in addition to the form of expression per 100 g or per 100 ml referred to in Article 32(3) regarding the amounts of vitamins and minerals;
- (c) in addition to or instead of the form of expression per 100 g or per 100 ml referred to in Article 32(4).

This paragraph provides the cases in which nutrients may be expressed per portion or per consumption unit. The word “may” indicates that the decision to declare per portion is voluntary.

There are however several general conditions when food business operators wish to use per portion expression:

- a. The portion/consumption unit is easily recognisable by the consumer;
- b. The portion or unit used is quantified on the label;
- c. The number of portions/units contained in the package is stated.

Hypothetical example:

1 bowl = 200g. Pack contains 6 bowls.

There are 3 cases where portions may be used, if desired so:

- In addition to the mandatory expression per 100g/100ml for all nutrients (30.1-30.5)
- In addition to the mandatory expression per 100g/100ml and GDAs per 100g/100ml for vitamins and minerals
- In addition to or instead of the voluntary expression of GDAs per 100g/100ml

Hence, according to 33.1(c), GDAs may be expressed per portion or consumption unit alone. It must however be noted that there are specific rules for GDAs per portion for *nutrients that may be repeated*, see 33.2.

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”
- “Mandatory and voluntary back-of-pack nutrition labelling”

33.2: GDAs per portion alone for the nutrients that may be repeated

By way of derogation from Article 32(2), in the cases referred to in point (b) of Article 30(3) the amount of nutrients and/or the percentage of the reference intakes set out in Part B of Annex XIII may be expressed on the basis of per portion or per consumption unit alone.

When the amounts of nutrients are expressed on the basis of per portion or per consumption unit alone in accordance with the first subparagraph, the energy value shall be expressed per 100 g or per 100 ml and on the basis of per portion or per consumption unit.

When food business operators decide to *repeat* 5 nutrients (point (b) of Article 30.3) elsewhere and which to express this as GDAs, they may express these GDAs per portion or per consumption unit alone. However, in that case, the energy will have to be provided per 100g/ml *and* per portion.

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”

33.3: GDAs per portion alone for the nutrients for non-prepacked foods

By way of derogation from Article 32(2), in the cases referred to in Article 30(5) the energy value and the amount of nutrients and/or the percentage of the reference intakes set out in Part B of Annex XIII may be expressed on the basis of per portion or per consumption unit alone.

For non-prepacked foods, all nutrients that may be declared may be expressed per portion or consumption unit alone.

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”

33.4: Expression of the portion/unit used

The portion or unit used shall be indicated in close proximity to the nutrition declaration.

Food business operators must indicate the portion or unit used (e.g. 1 bowl = 200g) close to the nutrition declaration. With regard to current practice, this is often done on the back-of-pack.

33.5: EC implementing measures on the expression per portion or per consumption unit for specific categories of foods

In order to ensure the uniform implementation of the expression of the nutrition declaration per portion or per unit of consumption and to provide for a uniform basis of comparison for the consumer, the Commission shall, taking into account actual consumption behaviour of consumers as well as dietary recommendations, adopt, by means of implementing acts, rules on the expression per portion or per consumption unit for specific categories of foods. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

The European Commission must set rules on the expression per portion or per consumption unit for *specific categories of foods*.

Art. 34 – Presentation

This Article is structured as follows:

- 34.1: *Place of the mandatory and voluntary nutrients*
- 34.2: *Presentation of the mandatory and voluntary nutrients*
- 34.3: *Place and presentation of the nutrients that may be repeated*
- 34.4: *Presentation of the nutrients for alcoholic beverages and for non-prepacked foods*
- 34.5: *Presentation of nutrients with a negligible amount*
- 34.6: *Possible EC implementing measures regarding presentation of the nutrients*

34.1: Place of the mandatory and voluntary nutrients

The particulars referred to in Article 30(1) and (2) shall be included in the same field of vision. They shall be presented together in a clear format and, where appropriate, in the order of presentation provided for in Annex XV.

The mandatory nutrients (Art. 30.1) and the voluntary nutrients (Art. 30.2) must be included in the same field of vision. A definition of “field of vision” is provided in the definitions (Art. 2.2k):

"field of vision" means all the surfaces of a package that can be read from a single viewing point;

In most cases, food business operators will assume that the ‘same field of vision’ is the back-of-pack.

The nutrients must be presented in a *clear format* (see 34.2) and should *follow the order of presentation* as provided for in Annex XV.

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”

34.2: Presentation of the mandatory and voluntary nutrients

The particulars referred to in Article 30(1) and (2) shall be presented, if space permits, in tabular format with the numbers aligned. Where space does not permit, the declaration shall appear in linear format.

The mandatory nutrients (Art. 30.1) and the voluntary nutrients (Art. 30.2) must be presented in a table format, with the numbers aligned.

In case space does not permit, the nutrition declaration must be presented in a linear format.

See also the specific sections in this document on:

- “Mandatory and voluntary back-of-pack nutrition labelling”

34.3: Place and presentation of the nutrients that may be repeated

The particulars referred to in Article 30(3) shall be presented:

- (a) in the principal field of vision; and
- (b) using a font size in accordance with Article 13(2).

The particulars referred to in Article 30(3) may be presented in a format different from that specified in paragraph 2 of this Article.

The nutrients that are repeated (Art. 30.3) must be:

- a. *in the principal field of vision*: a definition of “principal field of vision” is provided in the definitions (Art. 2.21):

"principal field of vision" means the field of vision of a package which is most likely to be seen at first glance by the consumer at the time of purchase and that enables the consumer to immediately identify a product in terms of its character or nature and, if applicable, its brand name. If a package has several identical principal fields of vision, the principal field of vision is the one chosen by the food business operator;

- b. *having a minimum font size of 1.2mm*: note that the 1.2mm minimum font size in this case also applies to small packs below 80cm²

The format of the nutrients that are repeated may be different; hence, not necessarily in tabular form or in linear format (but for instance by means of a GDA icon).

See also the specific sections in this document on:

- “Guideline Daily Amounts”
- “Mock-up example of front-of-pack GDA nutrition labelling”

34.4: Presentation of the nutrients for alcoholic beverages and for non-prepacked foods

The particulars referred to in Article 30(4) and (5) may be presented in a format different from that specified in paragraph 2 of this Article.

The format for the nutrients for *alcoholic beverages* (Art. 30.4) and for *non-prepacked foods* (Art. 30.5) may be different; hence, not necessarily in tabular form or in linear format.

34.5: Presentation of nutrients with a negligible amount

In cases where the energy value or the amount of nutrient(s) in a product is negligible, the information on those elements may be replaced by a statement such as "Contains negligible amounts of ..." and shall be indicated in close proximity to the nutrition declaration when present.

In order to ensure the uniform implementation of this paragraph, the Commission may adopt implementing acts regarding the energy value and amounts of nutrients referred to in Article 30(1) to (5) which can be regarded as negligible. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

If the energy value or the amount(s) of the nutrients is/are negligible (i.e. close to zero), rather than indicating the information on those elements, a statement may be provided such as “contains negligible amounts of ...”. The latter is only an example of possible wording. However, in any case, the positioning of the statement should be close to the nutrition declaration, when present.

The European Commission may adopt implementing acts on this.

QUESTION FOR MEMBERS

1. Which of the following alternatives for “contains negligible amounts of...” would you prefer and would you deem possible in view of the Regulation’s requirement:
 - a. Use of an asterisk
 - b. “<0,1”
 - c. “zero”
 - d. “traces”
 - e. Other, namely...

34.6: Possible EC implementing measures regarding presentation of the nutrients

In order to ensure a uniform application of the manner of presenting the nutrition declaration under the formats referred to in paragraphs 1 to 4 of this Article, the Commission may adopt implementing acts in this regard. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

The Commission may adopt implementing acts on EU-wide rules on how to present the nutrition declaration.

Art. 35 – Additional forms of expression and presentation

This Article is structured as follows:

- 35.1: Requirements for additional forms of expression/presentation
- 35.2: Member States recommendation of additional forms of expression/presentation
- 35.3: Member States monitoring of additional forms of expression/presentation
- 35.4: Exchange of information
- 35.5: EC implementing measure – report on additional forms of expression/presentation
- 35.6: EC implementing measure – detailed rules on the implementation of the Article

35.1: Requirements for additional forms of expression/presentation

In addition to the forms of expression referred to in Article 32(2) and (4) and Article 33 and to the presentation referred to in Article 34(2), the energy value and the amount of nutrients referred to in Article 30(1) to (5) may be given by other forms of expression and/or presented using graphical forms or symbols in addition to words or numbers provided that the following requirements are met:

- (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 harmonised 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; and
- (g) their application does not create obstacles to the free movement of goods.

All nutrients that are declared on a mandatory or voluntary basis (30.1-30.5) may be:

- expressed differently than per 100g/100ml (Art. 32.2), GDAs (Art. 32.4) or per portion (Art. 33); and/or
- provided in a different form of presentation than the tabular format with numbers aligned (Art. 34.2).

This may be done by using graphical forms or symbols *in addition to* words or numbers, under the condition that the above requirements (a) to (g) are met.

35.2: Member States recommendation of additional forms of expression/presentation

Member States may 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 points (a) to (g) of paragraph 1.
Member States shall provide the Commission with the details of such additional forms of expression and presentation.

Member State may recommend the use of one or more additional forms of expression or presentation of the nutrition declaration to food business operators, including retailers and food manufacturers. This could for instance be the Keyhole Scheme or Traffic Lights.

If Member States do so, they must inform the Commission of the details of such additional forms of expression and presentation.

35.3: Member States monitoring of additional forms of expression/presentation

Member States shall ensure an appropriate monitoring of additional forms of expression or presentation of the nutrition declaration that are present on the market in their territory.

To facilitate the monitoring of the use of such additional forms of expression or presentation, Member States may require food business operators placing on the market in their territory foods bearing such information to notify the competent authority of the use of an additional form of expression or presentation and to provide them with the relevant justifications regarding the fulfilment of the requirements laid down in points (a) to (g) of paragraph 1. In such cases, information on the discontinuation of the use of such additional forms of expression or presentation may also be required.

Member States must monitor the various additional nutrition labelling schemes that are present on the market.

Member States may demand food business operators that have a scheme in place to notify their authorities and give justifications regarding the requirements set out in 35.1.

Furthermore, when food business operators decide to stop with a scheme, they may have to notify this to their authorities.

35.4: Exchange of information

The Commission shall facilitate and organise the exchange of information between Member States, itself and stakeholders on matters relating to the use of any additional forms of expression or presentation of the nutrition declaration.

The Commission must set up an exchange of information between Member States, the Commission and stakeholder (including FoodDrinkEurope) on matters relating to the use of any additional forms of expression or presentation of the nutrition declaration.

35.5: EC implementing measure – report on additional forms of expression/presentation

By ..., in the light of the experience gained, 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 harmonisation of those forms of expression and presentation. For this purpose, Member States shall provide the Commission with relevant information concerning the use of such additional forms of expression or presentation on the market in their territory. The Commission may accompany this report with proposals to modify the relevant Union provisions.

The European Commission must submit by December 2017 a report on:

- the use of additional forms of expression/presentation
- their effect on the internal market
- the advisability of further harmonization of those forms of expression/presentation

On this basis, the Commission may propose new (additional) EU legislation on this topic. Please note that this report will be presented to both the European Parliament and the Council.

35.6: EC implementing measure – detailed rules on the implementation of the Article

In order to ensure the uniform application of this Article, the Commission shall adopt implementing acts setting out detailed rules concerning the implementation of paragraphs 1, 3 and 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

This paragraph states that the European Commission must set out detailed rules concerning the implementation of this Article on:

- the requirements (para 1)

- Member State monitoring (para 3)
- Exchange of information (para 4)

2. Guideline Daily Amounts (GDAs)

Background

- Guideline Daily Amounts (GDAs) have been rolled out by FoodDrinkEurope members since 2005 as part of the FoodDrinkEurope commitment to the EU Platform for Action on Diet, Physical Activity and Health, which is led by the European Commission.
- The implementation of GDAs by food business operators, large and small alike, has been increasing rapidly over the past years.
- For the first time in history, % GDAs (percentage daily reference intakes) have explicitly been recognised in EU legislation, i.e. the Regulation on the provision of food information to consumers.

Definition

- % GDAs are typical nutrient intake levels that most people are guided to consume daily for a healthy diet. Because people vary in many ways, such as size and activity levels, GDAs are not targets for individuals, but provide a benchmark against which the contribution from specific nutrients per serving of a food product can be assessed.
- % GDAs together with nutrition information provide a guideline to help people understand approximately how much energy, and how much fat, saturated fat, sugars and salt can be consumed daily as part of a healthy diet.
- GDAs can be voluntarily applied by interested food business operators, in accordance with the provisions which are stipulated in the Regulation (see further on).
- GDAs are normally calculated on a per portion basis.

How to calculate GDAs?

The GDA values shown on a food or drink label should be those for an average "adult". The daily reference intakes are indicated in Annex XIII Part B of the Regulation:

Energy or nutrient	Reference intake
Energy	8,400 kJ / 2,000 kcal
Total fat	70 g
Saturates	20 g
Carbohydrate	260 g
Sugars	90 g
Protein	50 g
Salt	6 g

Front-of-pack declaration of GDAs

Labels on food and drink products should display, on the front panel of product labels, a simple, non-discriminatory graphic representation (logo) that provides the consumer with at-a-glance information.

Content

On the front-of-pack, GDAs may be provided for either²:

- The energy value (1)
- The energy value and fat, saturates, sugars and salt (5)

It is not possible to declare the GDAs for nutrients not mentioned in the above two options on the front-of-pack.

Expression

- When GDAs are provided, the energy value on the *front-of-pack* must always be declared *per 100g/100ml and per portion*. If, in addition to the energy value, also the other nutrients (fat, saturates, sugars, and salt) are provided, the other nutrients may be declared as *GDAs per portion alone*.³
- Furthermore, the Regulation requires that the absolute energy value be expressed in both kilojoules (*kJ*) and kilocalories (*kcal*), whereas the other nutrients must be expressed in grams (*g*).⁴ It is FoodDrinkEurope's interpretation that this is not required for the *per portion* expression on the front of pack (in order to avoid unnecessary duplication and confusion for the consumer).
- Front-of-pack information of GDAs per portion should ideally be accompanied by the nutrition table including information on nutrient content "per portion" back of pack.

Presentation

- GDAs should be presented in line with the FoodDrinkEurope GDA Style Guide.
- The order as indicated above (see content) must be respected when declaring GDAs.
- The Regulation stipulates that a font size of 1.2mm must be applied for front-of-pack nutrition labelling, regardless of the size of the pack⁵.
- The Regulation also requires that the following statement must be placed in close proximity to the GDAs: "Reference intake of an average adult (8 400 kJ/2 000 kcal)"⁶ It is FoodDrinkEurope's interpretation that, in the case that GDAs are provided for both on the front-of-pack *and* back-of-pack, it is sufficient to place the above statement on the back-of-pack, with a reference to it on the front-of-pack by means of an asterisk. In case GDAs are only declared on the front-of-pack, it would follow that the above statement would need to be provided also on the front-of-pack.

See also:

- "Mock-up example of front-of-pack GDA nutrition labelling"

Back-of-pack declaration of GDAs

² Article 30.3 of the Regulation

³ Article 33.2

⁴ Annex XV

⁵ Article 34.3

⁶ Article 32.5

Content

On the *back-of-pack*, % GDAs may be provided for:

- The energy value, fat, saturates, carbohydrate, sugars, protein and salt⁷

It is not possible to declare the GDAs for nutrients not mentioned in the above list on the back-of-pack.

Please note that, separately, for vitamins and minerals, the percentage reference intakes (Nutrient Reference Values)⁸ in relation to *per 100g/100ml* must be provided.⁹ If wished so, food business operators may provide, in addition, the % NRVs *per portion*. The NRVs are indicated in the Regulation.¹⁰ It is FoodDrinkEurope's interpretation that, in line with current practice, the percentage reference intakes for vitamins and minerals can be provided in the same column as the %GDAs.

Expression

- When GDAs are provided, they may be provided *per portion only* on the *back-of-pack*.¹¹
- The Regulation requires that the absolute energy value may be expressed in both kilojoules (*kJ*) and kilocalories (*kcal*), whereas the other nutrients must be expressed in grams (*g*).³

Presentation

- The GDAs on the *back-of-pack* must be presented in a tabular form with the numbers aligned. Where space does not permit, declaration can be made in linear format.¹²
- A minimum font size of 1.2mm applies, whereas this is 0.9mm for small packs below 80cm².¹³
- The Regulation also requires that the following statement must be placed in close proximity to the GDAs: "Reference intake of an average adult (8 400 kJ/2 000 kcal)"¹⁴ It is FoodDrinkEurope's interpretation that, in the case that GDAs are provided for both on the front-of-pack *and* back-of-pack, it is sufficient to place the above statement on the back-of-pack, with a reference to it on the front-of-pack by means of an asterisk. In case GDAs are only declared on the front-of-pack, it would follow that the above statement would need to be provided also on the front-of-pack.

GDAs for specific population groups

- The European Commission is obliged to establish rules on the voluntary provision of information on reference intakes for specific population groups in addition to GDAs.¹⁵

⁷ Article 32.4

⁸ Also often referred to as "Recommended Daily Allowance (RDA)"

⁹ Article 32.3 of the Regulation

¹⁰ Annex XIII Part A.1

¹¹ Article 33.1(c)

¹² Article 34.2

¹³ Article 13

¹⁴ Article 32.5

¹⁵ Article 36.3(c)

- Pending the adoption of EU provisions on this, Member States may adopt national measures.¹⁶

¹⁶ Article 43

3. Mandatory and voluntary back-of-pack nutrition labelling

Mandatory

Voluntary

Nutrition information			
	<i>Per 100g</i>	<i>Per Portion</i>	<i>% GDA*</i>
Energy	<i>kJ/kcal</i>	<i>kJ/kcal</i>	<i>%</i>
Fat	<i>g</i>	<i>g</i>	<i>%</i>
<i>Of which:</i>			
• Saturates	<i>g</i>	<i>g</i>	
• mono-unsaturates	<i>g</i>	<i>g</i>	
• polyunsaturates	<i>g</i>	<i>g</i>	
Carbohydrate	<i>g</i>	<i>g</i>	<i>%</i>
<i>Of which:</i>			
• Sugars	<i>g</i>	<i>g</i>	<i>%</i>
• Polyols	<i>g</i>	<i>g</i>	
• Starch	<i>g</i>	<i>g</i>	
Fibre	<i>g</i>	<i>g</i>	
Protein	<i>g</i>	<i>g</i>	<i>%</i>
Salt	<i>g</i>	<i>g</i>	<i>%</i>
<i>Vitamins and minerals</i>	<i>Annex</i>	<i>Annex</i>	<i>%</i>

4. Mock-up example of front-of-pack GDA nutrition labelling

To be inserted