

## Client Briefing

June 2017

# Food and Drink - Recent Developments at a European Commission Level

All food business operators and players in the food and alcoholic beverages market should be aware of two recent developments at EU level which apply to nutrition and health claims made on foods and the labelling of alcoholic beverages.

### 1. REVIEW OF THE REGULATION ON NUTRITION AND HEALTH CLAIMS MADE ON FOOD.

On 2 March 2017, the European Commission ("Commission") opened a public consultation as part of efforts to evaluate Regulation (EC) No 1924/2006 on the nutrition and health claims made on foods ("Regulation"). The [consultation](#) was open until 1 June 2017 and is aimed at gathering information on consumers' understanding and behaviours with regard to food products claiming health and nutrition benefits. This forms part of the Roadmap which was published by the Commission back in October 2015 ([see our client from briefing February 2016](#)) charting the intended actions of the Commission in evaluating the Regulation.

The purpose of the consultation is to evaluate how customers understand claims made on food, how they perceive the healthiness of foods based on the claims and what, ultimately, effects their consumer choices.

Now that the public consultation has concluded, the results will be published online and will be used together with the other data to inform the ongoing evaluation on the Regulation. A consultation with SME stakeholders will also be conducted in the coming months before the evaluation is concluded. Once the evaluation is completed, the Commission will adopt a Staff Working Document.

### 2. LABELLING OF ALCOHOLIC BEVERAGES: COMMISSION REPORT INVITES THE INDUSTRY TO SUBMIT A SELF-REGULATORY PROPOSAL.

On 13 March 2017, the Commission adopted a report on the mandatory labelling of the list of ingredients and the nutrition declaration for alcoholic beverages. The report suggests bringing the rules for alcoholic beverages in line with other food products as per EU Regulation 1169/2011 on the provision of food information to consumers ("Food Information Regulation").

The discussion around the mandatory labelling of ingredients and a nutrition declaration on alcoholic beverages has been ongoing through the 1990's and 2000's and the Commission has indicated that regulation is the direction in which the discussions have been heading. At present, there is no mandatory requirement to list the ingredients or include a nutrition declaration on alcoholic beverages which contain greater than 1.2% by volume of alcohol. Alcoholic beverages are required to list any allergenic information including those ingredients which can cause allergic reactions.

#### *Calls for Action*

It is generally accepted that there is inconsistency across Member States concerning the issue, as some Member States have maintained or adopted national measures imposing additional labelling requirements on ingredients or certain ingredients for alcoholic beverages or certain alcoholic beverages. This has fed the initiative to harmonise the rules and provide clarity for consumers across all Member States.

Following the World Health Organisation's European Action Plan to reduce the harmful use of alcohol 2012–2020<sup>(1)</sup>, it was considered that the ingredients relevant to health, including the calorie content' should be labelled and, in general, the labelling of alcoholic beverages should be the same as for the other foods, in order to ensure that consumers have access to complete information on the content and composition of the product for the protection of both their health and interests.

### *Next Steps*

It is against this backdrop that the Commission instructed the development of the report to address the issue. Following the report, it is now a matter for the industry to propose within one year, an approach to provide consumers with information about the ingredients in alcoholic beverages and also the nutritional values. This would be a self-regulatory proposal which would cover the entire sector of alcoholic beverages. The decision to explore the possibility of self-regulation comes after the expansion of voluntary initiatives from the industry which have been ongoing.

The invitation provides an opportunity for the alcoholic beverages industry to address the subject in an industry lead direction and implement the suggested actions in the report. The proposal will then be considered by the Commission and if it is determined as unsatisfactory, it will then launch an impact assessment to review further available options including regulatory options. We will keep this under review.

(1) European action plan to reduce the harmful use of alcohol 2012–2020, WHO Europe.

### KEY CONTACTS

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