

Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (Text with EEA relevance)

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

#### **Subject matter and scope**

1 This Regulation provides the basis for the assurance of a high level of consumer protection in relation to food information, taking into account the differences in the perception of consumers and their information needs <sup>F1</sup>...

2 This Regulation establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling. It lays down the means to guarantee the right of consumers to information and procedures for the provision of food information, taking into account the need to provide sufficient flexibility to respond to future developments and new information requirements.

3 This Regulation shall apply to food business operators at all stages of the food chain, where their activities concern the provision of food information to consumers. It shall apply to all foods intended for the final consumer, including foods delivered by mass caterers, and foods intended for supply to mass caterers.

This Regulation shall apply to catering services provided by transport undertakings when the departure takes place [<sup>F2</sup>from Great Britain].

4 This Regulation shall apply without prejudice to labelling requirements provided for in specific [<sup>F3</sup>provisions in EU-derived domestic legislation and retained direct EU legislation] applicable to particular foods.

#### **Textual Amendments**

- F1** Words in Art. 1(1) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 1(3) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(2)(b)** (as amended by [S.I. 2020/1501](#), regs. 1(a), **4(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in Art. 1(4) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 2

### Definitions

- 1 For the purposes of this Regulation, the following definitions shall apply:
- a the definitions of ‘food’, ‘food law’, ‘food business’, ‘food business operator’, ‘retail’, ‘placing on the market’ and ‘final consumer’ in Article 2 and in points (1), (2), (3), (7), (8) and (18) of Article 3 of Regulation (EC) No 178/2002;
  - b the definitions of ‘processing’, ‘unprocessed products’ and ‘processed products’ in points (m), (n) and (o) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(1)</sup>;
  - c the definition of ‘food enzyme’ in point (a) of Article 3(2) of Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes<sup>(2)</sup>;
  - d the definitions of ‘food additive’, ‘processing aid’ and ‘carrier’ in points (a) and (b) of Article 3(2) of, and in point 5 of Annex I to, Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives<sup>(3)</sup>;
  - e the definition of ‘flavourings’ in point (a) of Article 3(2) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods<sup>(4)</sup>;
  - f the definitions of ‘meat’, ‘mechanically separated meat’, ‘meat preparations’, ‘fishery products’ and ‘meat products’ in points 1.1, 1.14, 1.15, 3.1 and 7.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(5)</sup>;
  - g the definition of ‘advertising’ in point (a) of Article 2 of Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising<sup>(6)</sup>[<sup>F4</sup>;
  - [<sup>F5</sup>h the definition of ‘engineered nanomaterials’ as established by point (f) of Article 3(2) of Regulation (EU) 2015/2283 of the European Parliament and of the Council <sup>(7)</sup>.
- 2 The following definitions shall also apply:
- a ‘food information’ means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication;
  - b ‘food information law’ means [<sup>F6</sup>EU-derived domestic legislation or retained direct EU legislation] governing the food information, and in particular labelling, including rules of a general nature applicable to all foods in particular circumstances or to certain categories of foods and rules which apply only to specific foods;
  - c ‘mandatory food information’ means the particulars that are required to be provided to the final consumer by [<sup>F7</sup>EU-derived domestic legislation or retained direct EU legislation];
  - d ‘mass caterer’ means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;
  - e ‘prepacked food’ means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only

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- partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale;
- f ‘ingredient’ means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as ‘ingredients’;
- g ‘place of provenance’ means any place where a food is indicated to come from, and that is not the ‘country of origin’ as determined in accordance with [<sup>F8</sup>section 17(2) to (4) of the Taxation (Cross-border Trade) Act 2018, as read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2020, insofar as those subsections and Regulations relate to the determination of the country of origin of a food]; the name, business name or address of the food business operator on the label shall not constitute an indication of the country of origin or place of provenance of food within the meaning of this Regulation;
- h ‘compound ingredient’ means an ingredient that is itself the product of more than one ingredient;
- i ‘label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food;
- j ‘labelling’ means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;
- k ‘field of vision’ means all the surfaces of a package that can be read from a single viewing point;
- l ‘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;
- m ‘legibility’ means the physical appearance of information, by means of which the information is visually accessible to the general population and which is determined by various elements, inter alia, font size, letter spacing, spacing between lines, stroke width, type colour, typeface, width-height ratio of the letters, the surface of the material and significant contrast between the print and the background;
- [<sup>F9</sup>n ‘legal name’, in relation to a food, means the name prescribed for it in EU-derived domestic legislation or retained direct EU legislation or, in the absence of such legislation, any other enactment;]
- o ‘customary name’ means a name which is accepted as the name of the food by consumers in the [<sup>F10</sup>United Kingdom], without that name needing further explanation;
- p ‘descriptive name’ means a name providing a description of the food, and if necessary of its use, which is sufficiently clear to enable consumers to know its true nature and distinguish it from other products with which it might be confused;
- q ‘primary ingredient’ means an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;
- r ‘date of minimum durability of a food’ means the date until which the food retains its specific properties when properly stored;

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- s ‘nutrient’ means protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in point 1 of Part A of Annex XIII to this Regulation, and substances which belong to or are components of one of those categories;
- [<sup>F11</sup>t ‘engineered nanomaterial’ means any intentionally produced material that has one or more dimensions of the order of 100 nm 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 100 nm or less, including structures, agglomerates or aggregates, which may have a size above the order of 100 nm but retain properties that are characteristic of the nanoscale.
- Properties that are characteristic of the nanoscale include:]
- (i) <sup>F11</sup> ...
- (ii) <sup>F11</sup> ...
- u ‘means of distance communication’ means any means which, without the simultaneous physical presence of the supplier and the consumer, may be used for the conclusion of a contract between those parties.
- [<sup>F12</sup>v ‘the appropriate authority’ means:
- (i) as regards type B regulations, the Secretary of State;
- (ii) in all other cases:
- (aa) in relation to England, the Secretary of State;
- (bb) in relation to Scotland, the Scottish Ministers;
- (cc) in relation to Wales, the Welsh Ministers;
- w ‘enactment’ includes enactments of the type specified in paragraphs (a) to (d) of the definition of ‘enactment’ in section 20(1) of the European Union (Withdrawal) Act 2018 but not enactments of the type specified in paragraphs (e) to (h);
- x ‘EU-derived domestic legislation’ has the meaning given in section 1B(7) of the European Union (Withdrawal) Act 2018 but does not include:
- (i) any legislation that only extends to Northern Ireland;
- (ii) any other legislation in so far as it extends to Northern Ireland;
- y ‘retained direct EU legislation’ has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018 but does not include retained direct EU legislation insofar as it extends to Northern Ireland;
- z ‘type A regulations’, in any provision of this Regulation, means:
- (i) in relation to England, any regulations made by the Secretary of State under the Food Safety Act 1990 using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question;
- (ii) in relation to Scotland, any regulations made by the Scottish Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;
- (iii) in relation to Wales, any regulations made by the Welsh Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;

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- z1 ‘type B regulations’, in any provision of this Regulation, means regulations made by the Secretary of State under the Weights and Measures Act 1985 using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question.]
- [<sup>F13</sup>z2 ‘type C regulations’ means any regulations made under a provision of this Regulation listed in Annex 16;
- z3 ‘type D regulations’ means any regulations made under a provision of this Regulation listed in Annex 17;
- z4 ‘type E regulations’ means any regulations made under Article 23(2);]
- 3 For the purposes of this Regulation the country of origin of a food shall refer to the origin of a food as determined in accordance with [<sup>F14</sup>section 17(2) to (4) of the Taxation (Cross-border Trade) Act 2018, as read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2020, insofar as those subsections and Regulations relate to the determination of the country of origin of a food].
- 4 The specific definitions set out in Annex I shall also apply.]

#### Textual Amendments

- F4** Substituted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).
- F5** Inserted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).
- F6** Words in Art. 2(2)(b) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 2(2)(c) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(2)(g) substituted (12.1.2021) by The Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1627), regs. 1, **2**
- F9** Art. 2(2)(n) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 2(2)(o) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Deleted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).
- F12** Art. 2(2)(v)-(z1) inserted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **Sch. 2 Pt. 1** (as substituted by S.I. 2020/1501, reg. 1(a), **Sch.**)
- F13** Art. 2(2)(z2)-(z4) inserted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(2)** (as amended by S.I. 2020/1501, regs. 1(a), **5(3)(a)(ii)**)
- F14** Words in Art. 2(3) substituted (12.1.2021) by The Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1627), regs. 1, **2**

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## CHAPTER II

### GENERAL PRINCIPLES ON FOOD INFORMATION

#### Article 3

##### General objectives

1 The provision of food information shall pursue a high level of protection of consumers' health and interests by providing a basis for final consumers to make informed choices and to make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations.

2 [<sup>F15</sup>Type C, D and E regulations must take] into account, where appropriate, the need to protect the legitimate interests of producers and to promote the production of quality products.

3 When [<sup>F16</sup>type C, D or E regulations establish] new requirements, a transitional period after the entry into force of the new requirements shall be granted, except in duly justified cases. During such transitional period, foods bearing labels not complying with the new requirements may be placed on the market, and stocks of such foods that have been placed on the market before the end of the transitional period may continue to be sold until exhausted.

4 An open and transparent public consultation [<sup>F17</sup>(so far as not already required by Article 9 of Regulation (EC) No 178/2002)] shall be conducted, including with stakeholders, directly or through representative bodies, during the preparation, evaluation and revision of food information law, except where the urgency of the matter does not allow it.

#### Textual Amendments

- F15** Words in Art. 3(2) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 3(3) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 3(4) inserted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(4)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 4

##### Principles governing mandatory food information

1 Where mandatory food information is required by food information law, it shall concern information that falls, in particular, into one of the following categories:

- a information on the identity and composition, properties or other characteristics of the food;
- b information on the protection of consumers' health and the safe use of a food. In particular, it shall concern information on:
  - (i) compositional attributes that may be harmful to the health of certain groups of consumers;
  - (ii) durability, storage and safe use;

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- (iii) the health impact, including the risks and consequences related to harmful and hazardous consumption of a food;
  - c information on nutritional characteristics so as to enable consumers, including those with special dietary requirements, to make informed choices.
- 2 When considering the need for mandatory food information and to enable consumers to make informed choices, account shall be taken of a widespread need on the part of the majority of consumers for certain information to which they attach significant value or of any generally accepted benefits to the consumer.

#### *F18* Article 5

### Consultation of the European Food Safety Authority

#### Textual Amendments

- F18** Art. 5 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(5)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER III

### GENERAL FOOD INFORMATION REQUIREMENTS AND RESPONSIBILITIES OF FOOD BUSINESS OPERATORS

#### Article 6

#### Basic requirement

Any food intended for supply to the final consumer or to mass caterers shall be accompanied by food information in accordance with this Regulation.

#### Article 7

#### Fair information practices

- 1 Food information shall not be misleading, particularly:
- a as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;
  - b by attributing to the food effects or properties which it does not possess;
  - c by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;
  - d by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally

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present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

2 Food information shall be accurate, clear and easy to understand for the consumer.

3 Subject to derogations provided for by [<sup>F19</sup>EU-derived domestic law or retained direct EU legislation] applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.

4 Paragraphs 1, 2 and 3 shall also apply to:

- a advertising;
- b the presentation of foods, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed.

#### Textual Amendments

**F19** Words in Art. 7(3) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/529), regs. 1, **5(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 8

#### Responsibilities

1 The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the [<sup>F20</sup>British Islands], the importer into the [<sup>F21</sup>British Islands].

2 The food business operator responsible for the food information shall ensure the presence and accuracy of the food information in accordance with the applicable food information law and requirements of [<sup>F22</sup>any other relevant enactment].

3 Food business operators which do not affect food information shall not supply food which they know or presume, on the basis of the information in their possession as professionals, to be non-compliant with the applicable food information law and requirements of [<sup>F22</sup>any other relevant enactment].

4 Food business operators, within the businesses under their control, shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food.

5 Without prejudice to paragraphs 2 to 4, food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law and [<sup>F23</sup>any other relevant enactment] which are relevant to their activities and shall verify that such requirements are met.

6 Food business operators, within the businesses under their control, shall ensure that information relating to non-prepacked food intended for the final consumer or for supply to mass caterers shall be transmitted to the food business operator receiving the food in order to enable, when required, the provision of mandatory food information to the final consumer.



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7 In the following cases, food business operators, within the businesses under their control, shall ensure that the mandatory particulars required under Articles 9 and 10 shall appear on the prepackaging or on a label attached thereto, or on the commercial documents referring to the foods where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery:

- a where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage;
- b where prepacked food is intended for supply to mass caterers for preparation, processing, splitting or cutting up.

Notwithstanding the first subparagraph, food business operators shall ensure that the particulars referred to in points (a), (f), (g) and (h) of Article 9(1) also appear on the external packaging in which the prepacked foods are presented for marketing.

8 Food business operators that supply to other food business operators food not intended for the final consumer or to mass caterers shall ensure that those other food business operators are provided with sufficient information to enable them, where appropriate, to meet their obligations under paragraph 2.

#### **Textual Amendments**

- F20** Words in Art. 8(1) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **6(a)**
- F21** Words in Art. 8(1) substituted (27.5.2021) by [The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021 \(S.I. 2021/632\)](#), regs. 1, **6(b)**
- F22** Words in Art. 8(2)(3) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 8(5) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(7)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER IV

### MANDATORY FOOD INFORMATION

#### SECTION 1

##### *Content and presentation*

##### *Article 9*

##### **List of mandatory particulars**

1 In accordance with Articles 10 to 35 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory:

- a the name of the food;
- b the list of ingredients;

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- c any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;
- d the quantity of certain ingredients or categories of ingredients;
- e the net quantity of the food;
- f the date of minimum durability or the ‘use by’ date;
- g any special storage conditions and/or conditions of use;
- h the name or business name and address of the food business operator referred to in Article 8(1);
- i the country of origin or place of provenance where provided for in Article 26;
- j instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;
- k with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;
- l a nutrition declaration.

2 The particulars referred to in paragraph 1 shall be indicated with words and numbers. Without prejudice to Article 35, they may additionally be expressed by means of pictograms or symbols.

3 Where [<sup>F24</sup>regulations are made under] this Article, the particulars referred to in paragraph 1 may alternatively be expressed by means of pictograms or symbols instead of words or numbers.

In order to ensure that consumers benefit from other means of expression of mandatory food information than words and numbers, and provided that the same level of information as with words and numbers is ensured [<sup>F25</sup>and] evidence of uniform consumer understanding [<sup>F26</sup>is taken into account, regulations may be made to establish] the criteria subject to which one or more particulars referred to in paragraph 1 may be expressed by pictograms or symbols instead of words or numbers.

4 For the purpose of ensuring the uniform implementation of paragraph 3 of this Article, [<sup>F27</sup>regulations may be made] on the modalities of application of the criteria defined in accordance with paragraph 3 to express one or more particulars by means of pictograms or symbols instead of words or numbers. <sup>F28</sup>...

#### Textual Amendments

- F24** Words in Art. 9(3) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(4)(a)(i)** (as amended by S.I. 2020/1501, regs. 1(a), **5(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F25** Word in Art. 9(3) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(4)(a)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 9(3) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(4)(a)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 9(4) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 9(4) omitted (31.12.2020) by virtue of The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(4)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 10

### Additional mandatory particulars for specific types or categories of foods

1 In addition to the particulars listed in Article 9(1), additional mandatory particulars for specific types or categories of foods are laid down in Annex III.

2 In order to ensure consumer information with respect to specific types or categories of foods and to take account of technical progress, scientific developments, the protection of consumers' health or the safe use of a food, [<sup>F29</sup>regulations may amend Annex 3.]

F30  
...

#### Textual Amendments

- F29** Words in Art. 10(2) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 10(2) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 11

### Weights and measures

Article 9 shall be without prejudice to more specific [<sup>F31</sup>provisions in EU-derived domestic legislation or retained direct EU legislation] regarding weights and measures.

#### Textual Amendments

- F31** Words in Art. 11 substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(8)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 12

### Availability and placement of mandatory food information

1 Mandatory food information shall be available and shall be easily accessible, in accordance with this Regulation, for all foods.

2 In the case of prepacked food, mandatory food information shall appear directly on the package or on a label attached thereto.

3 In order to ensure that consumers benefit from other means of provision of mandatory food information better adapted for certain mandatory particulars, and provided that the same level of information as by means of the package or the label is ensured [<sup>F32</sup>and] evidence of uniform consumer understanding and of the wide use of these means by consumers [<sup>F33</sup>is taken into account, regulations may establish], by means of delegated acts in accordance with Article 51, criteria subject to which certain mandatory particulars may be expressed by means other than on the package or on the label.

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

4 For the purposes of ensuring the uniform implementation of paragraph 3 of this Article, [<sup>F34</sup>regulations may be made] on the modalities of application of the criteria referred to in paragraph 3 in order to express certain mandatory particulars by means other than on the package or on the label. <sup>F35</sup>...

5 In the case of non-prepacked food, the provisions of Article 44 shall apply.

#### Textual Amendments

- F32** Word in Art. 12(3) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(6)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 12(3) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(6)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 12(4) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(6)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 12(4) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(6)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 13

#### Presentation of mandatory particulars

1 Without prejudice to [<sup>F36</sup>enactments referred to in Article 44(2) relating to the presentation of mandatory particulars for food to which that Article applies], mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

2 Without prejudice to specific [<sup>F37</sup>provisions in EU-derived domestic legislation or retained direct EU legislation] applicable to particular foods, when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1,2 mm.

3 In case of packaging or containers the largest surface of which has an area of less than 80 cm<sup>2</sup>, the x-height of the font size referred to in paragraph 2 shall be equal to or greater than 0,9 mm.

4 For the purpose of achieving the objectives of this Regulation, [<sup>F38</sup>regulations may be made to] establish rules for legibility.

For the same purpose as referred to in the first subparagraph, [<sup>F39</sup>regulations may be made to] extend the requirements under paragraph 5 of this Article to additional mandatory particulars for specific types or categories of foods.

5 The particulars listed in points (a), (e) and (k) of Article 9(1) shall appear in the same field of vision.

6 Paragraph 5 of this Article shall not apply in the cases specified in Article 16(1) and (2).

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#### Textual Amendments

- F36** Words in Art. 13(1) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 13(2) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 13(4) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 13(4) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 14

#### Distance selling

1 Without prejudice to the information requirements laid down in Article 9, in the case of prepacked foods offered for sale by means of distance communication:

- a mandatory food information, except the particulars provided in point (f) of Article 9(1), shall be available before the purchase is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator. When other appropriate means are used, the mandatory food information shall be provided without the food business operator charging consumers supplementary costs;
- b all mandatory particulars shall be available at the moment of delivery.

2 In the case of non-prepacked foods offered for sale by means of distance communication, the particulars required under Article 44 shall be made available in accordance with paragraph 1 of this Article.

3 Point (a) of paragraph 1 shall not apply to foods offered for sale by means of automatic vending machines or automated commercial premises.

### Article 15

#### Language requirements

1 Without prejudice to Article 9(3), mandatory food information shall appear in [<sup>F40</sup>English].

<sup>F41</sup>2 .....

3 [<sup>F42</sup>Paragraph 1] shall not preclude the particulars from being indicated in several languages.

#### Textual Amendments

- F40** Word in Art. 15(1) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Art. 15(2) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 27/05/2021.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)

**F42** Words in Art. 15(3) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 16

Omission of certain mandatory particulars

1 In the case of glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar only the particulars listed in points (a), (c), (e), (f) and (l) of Article 9(1) shall be mandatory.

2 In the case of packaging or containers the largest surface of which has an area of less than 10 cm<sup>2</sup> only the particulars listed in points (a), (c), (e) and (f) of Article 9(1) shall be mandatory on the package or on the label. The particulars referred to in point (b) of Article 9(1) shall be provided through other means or shall be made available at the request of the consumer.

3 Without prejudice to other [F43provisions in EU-derived domestic legislation or retained direct EU legislation] requiring a mandatory nutrition declaration, the declaration referred to in point (l) of Article 9(1) shall not be mandatory for the foods listed in Annex V.

4 Without prejudice to other [F44provisions in EU-derived domestic legislation or retained direct EU legislation] requiring a list of ingredients or a mandatory nutrition declaration, the particulars referred to in points (b) and (l) of Article 9(1) shall not be mandatory for beverages containing more than 1,2 % by volume of alcohol.

F45 ...

**Textual Amendments**  
F43 Words in Art. 16(3) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)  
F44 Words in Art. 16(4) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(11)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)  
F45 Words in Art. 16(4) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(11)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 2

Detailed provisions on mandatory particulars

Article 17

Name of the food

1 The name of the food shall be its legal name. In the absence of such a name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

F46<sub>2</sub> .....

F47<sub>3</sub> .....

*Status: Point in time view as at 27/05/2021.*

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)

4 The name of the food shall not be replaced with a name protected as intellectual property, brand name or fancy name.

5 Specific provisions on the name of the food and particulars that shall accompany it are laid down in Annex VI.

#### Textual Amendments

**F46** Art. 17(2) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(12)**; 2020 c. 1, Sch. 5 para. 1(1)

**F47** Art. 17(3) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(12)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 18

#### List of ingredients

1 The list of ingredients shall be headed or preceded by a suitable heading which consists of or includes the word 'ingredients'. It shall include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food.

2 Ingredients shall be designated by their specific name, where applicable, in accordance with the rules laid down in Article 17 and in Annex VI.

3 All ingredients present in the form of engineered nanomaterials shall be clearly indicated in the list of ingredients. The names of such ingredients shall be followed by the word 'nano' in brackets.

4 Technical rules for applying paragraphs 1 and 2 of this Article are laid down in Annex VII.

<sup>F115</sup> .....

#### Textual Amendments

**F11** Deleted by [Regulation \(EU\) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council and repealing Regulation \(EC\) No 258/97 of the European Parliament and of the Council and Commission Regulation \(EC\) No 1852/2001 \(Text with EEA relevance\)](#).

### Article 19

#### Omission of the list of ingredients

- 1 The following foods shall not be required to bear a list of ingredients:
- a fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
  - b carbonated water, the description of which indicates that it has been carbonated;
  - c fermentation vinegars derived exclusively from a single basic product, provided that no other ingredient has been added;

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- d cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, food enzymes and micro-organism cultures essential to manufacture, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture;
- e foods consisting of a single ingredient, where:
  - (i) the name of the food is identical to the ingredient name; or
  - (ii) the name of the food enables the nature of the ingredient to be clearly identified.

2 In order to take into account the relevance for the consumer of a list of ingredients for specific types or categories of foods, [F48regulations may be made, in exceptional cases, to] supplement paragraph 1 of this Article, provided that omissions do not result in the final consumer or mass caterers being inadequately informed.

#### Textual Amendments

**F48** Words in Art. 19(2) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(8)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 20

#### Omission of constituents of food from the list of ingredients

Without prejudice to Article 21, the following constituents of a food shall not be required to be included in the list of ingredients:

- (a) the constituents of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions;
- (b) food additives and food enzymes:
  - (i) whose presence in a given food is solely due to the fact that they were contained in one or more ingredients of that food, in accordance with the carry-over principle referred to in points (a) and (b) of Article 18(1) of Regulation (EC) No 1333/2008, provided that they serve no technological function in the finished product; or
  - (ii) which are used as processing aids;
- (c) carriers and substances which are not food additives but are used in the same way and with the same purpose as carriers, and which are used in the quantities strictly necessary;
- (d) substances which are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form;
- (e) water:
  - (i) where the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form; or



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- (ii) in the case of a liquid medium which is not normally consumed.

## Article 21

### Labelling of certain substances or products causing allergies or intolerances

1 Without prejudice to [F49]enactments referred to in Article 44(2) relating to the presentation of mandatory particulars for food to which Article 44 applies], the particulars referred to in point (c) of Article 9(1) shall meet the following requirements:

- a they shall be indicated in the list of ingredients in accordance with the rules laid down in Article 18(1), with a clear reference to the name of the substance or product as listed in Annex II; and
- b the name of the substance or product as listed in Annex II shall be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour.

In the absence of a list of ingredients, the indication of the particulars referred to in point (c) of Article 9(1) shall comprise the word ‘contains’ followed by the name of the substance or product as listed in Annex II.

Where several ingredients or processing aids of a food originate from a single substance or product listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned.

The indication of the particulars referred to in point (c) of Article 9(1) shall not be required in cases where the name of the food clearly refers to the substance or product concerned.

2 In order to ensure better information for consumers and to take account of the most recent scientific progress and technical knowledge, the [F50]appropriate authority must systematically re-examine the list in Annex 2. Where considered necessary by the appropriate authority, that list must be updated by regulations].

F51  
...

#### Textual Amendments

- F49** Words in Art. 21(1) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(13)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 21(2) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 21(2) omitted (31.12.2020) by virtue of The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 22

### Quantitative indication of ingredients

1 The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where the ingredient or category of ingredients concerned:

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- a appears in the name of the food or is usually associated with that name by the consumer;
  - b is emphasised on the labelling in words, pictures or graphics; or
  - c is essential to characterise a food and to distinguish it from products with which it might be confused because of its name or appearance.
- 2 Technical rules for applying paragraph 1, including specific cases where the quantitative indication shall not be required in respect of certain ingredients, are laid down in Annex VIII.

### Article 23

#### Net quantity

- 1 The net quantity of a food shall be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate:
- a in units of volume in the case of liquid products;
  - b in units of mass in the case of other products.
- 2 In order to ensure a better understanding by the consumer of the food information on the labelling, [<sup>F52</sup>regulations may be made to] establish for certain specified foods <sup>F53</sup>... a manner for the expression of the net quantity other than the one laid down in paragraph 1 of this Article.
- 3 Technical rules for applying paragraph 1, including specific cases where the indication of the net quantity shall not be required, are laid down in Annex IX.

#### Textual Amendments

- F52** Words in Art. 23(2) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 23(2) omitted (31.12.2020) by virtue of The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 24

#### Minimum durability date, 'use by' date and date of freezing

- 1 In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the 'use by' date. After the 'use by' date a food shall be deemed to be unsafe in accordance with Article 14(2) to (5) of Regulation (EC) No 178/2002.
- 2 The appropriate date shall be expressed in accordance with Annex X.
- 3 In order to ensure a uniform application of the manner of indicating the date of minimum durability referred to in point 1(c) of Annex X, [<sup>F54</sup>regulations may be made] setting out rules in this regard. <sup>F55</sup>...

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### Textual Amendments

- F54** Words in Art. 24(3) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 24(3) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 25

### Storage conditions or conditions of use

- 1 In cases where foods require special storage conditions and/or conditions of use, those conditions shall be indicated.
- 2 To enable appropriate storage or use of the food after opening the package, the storage conditions and/or time limit for consumption shall be indicated, where appropriate.

## Article 26

### Country of origin or place of provenance

- 1 This Article shall apply without prejudice to labelling requirements provided for in specific [<sup>F56</sup>provisions in EU-derived domestic legislation or retained direct EU legislation, in particular Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs].
- 2 Indication of the country of origin or place of provenance shall be mandatory:
  - a where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance;
  - b for meat falling within the Combined Nomenclature ('CN') codes listed in Annex XI. The application of this point [<sup>F57</sup>is subject to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry and any regulations made under paragraph 8].
- 3 Where the country of origin or the place of provenance of a food is given and where it is not the same as that of its primary ingredient:
  - a the country of origin or place of provenance of the primary ingredient in question shall also be given; or
  - b the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.

[<sup>F58</sup>The application of the first subparagraph is subject to [Commission Implementing Regulation \(EU\) No 2018/775](#) laying down rules for the application of Article 26(3) of [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the

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country of origin or place of provenance of the primary ingredient of a food and any regulations made under paragraph 8 concerning the application of that subparagraph.]

F<sup>59</sup>4 .....

F<sup>59</sup>5 .....

F<sup>59</sup>6 .....

F<sup>59</sup>7 .....

[F<sup>60</sup>8 Regulations may be made:

- a concerning the application of paragraphs 2(b) and 3;
- b to revoke Regulation (EU) No 1337/2013 or [Regulation \(EU\) No 2018/775](#).]

F<sup>61</sup>9 .....

#### Textual Amendments

- F56** Words in Art. 26(1) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(14)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 26(2)(b) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Words in Art. 26(3) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(12)(b)** (as amended by S.I. 2020/1501, regs. 1(a), **5(3)(c)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F59** Art. 26(4)-(7) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Art. 26(8) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(12)(c)** (as amended by S.I. 2020/1501, regs. 1(a), **5(3)(c)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F61** Art. 26(9) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 27

#### Instructions for use

1 The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made of the food.

2 [F<sup>62</sup>Regulations may be made] setting out detailed rules concerning the implementation of paragraph 1 for certain foods. F<sup>63</sup> ...

#### Textual Amendments

- F62** Words in Art. 27(2) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 27(2) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 28

### Alcoholic strength

1 The rules concerning indication of the alcoholic strength by volume shall, in the case of products classified in CN code 2204, be those laid down in the specific [<sup>F64</sup>provisions in EU-derived domestic legislation or retained direct EU legislation] applicable to such products.

2 The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol other than those referred to in paragraph 1 shall be indicated in accordance with Annex XII.

#### Textual Amendments

**F64** Words in Art. 28(1) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, 5(15); 2020 c. 1, Sch. 5 para. 1(1)

## SECTION 3

### Nutrition declaration

## Article 29

### Relationship with other legislation

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

- [<sup>F65</sup>a the following legislation relating to food supplements:
  - i in relation to food supplied in England, the Food Supplements (England) Regulations 2003;
  - ii in relation to food supplied in Scotland, the Food Supplements (Scotland) Regulations 2003;
  - iii in relation to food supplied in Wales, the Food Supplements (Wales) Regulations 2003;
- b the following provisions relating to the exploitation and marketing of natural mineral waters and spring waters:
  - i in relation to water supplied in England, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
  - ii in relation to water supplied in Scotland, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
  - iii in relation to water supplied in Wales, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.]

F662

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

### Textual Amendments

- F65** Art. 29(1)(a)(b) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, 5(16)(a), **Sch. 2 Pt. 2** (as amended by S.I. 2020/1501, regs. 1(a), **4(6)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Art. 29(2) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 30

### Content

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

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.

- 2 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.

- 3 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.

4 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.

5 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.

6 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, [<sup>F67</sup>regulations may] amend the lists in paragraphs 2 to 5 of this Article, by adding or removing particulars.

<sup>F68</sup>7

*Status: Point in time view as at 27/05/2021.*

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)

#### Textual Amendments

- F67** Words in Art. 30(6) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(14)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** Art. 30(7) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(17)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 31

#### Calculation

- 1 The energy value shall be calculated using the conversion factors listed in Annex XIV.
- 2 [<sup>F69</sup>Regulations may amend Annex 14 to require specified conversion factors to be used] 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. <sup>F70</sup>...
- 3 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.

- 4 The declared values shall, according to the individual case, 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; or
  - a calculation from generally established and accepted data.

[<sup>F71</sup>Regulations may set] 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. <sup>F72</sup>...

#### Textual Amendments

- F69** Words in Art. 31(2) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(15)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Art. 31(2) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(15)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 31(4) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Words in Art. 31(4) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

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## Article 32

### Expression per 100 g or per 100 ml

1 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.

2 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.

3 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.

4 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.

5 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 (8 400 kJ/2 000 kcal)'.

## Article 33

### Expression on a per portion basis or per consumption unit

1 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).

2 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.

3 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.

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



*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

5 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, [<sup>F73</sup>regulations may regulate the way in which per portion and per consumption unit indications are to be expressed for specific categories of food. The actual consumption behaviour of consumers as well as dietary recommendations must be taken into account when making such regulations].

#### Textual Amendments

**F73** Words in Art. 33(5) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(16)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 34

#### Presentation

1 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.

2 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.

3 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.

4 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.

5 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, [<sup>F74</sup>regulations may be made relating to] the energy value and amounts of nutrients referred to in Article 30(1) to (5) which can be regarded as negligible. <sup>F75</sup>...

6 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, [<sup>F76</sup>regulations may be made] in this regard. <sup>F77</sup>...

#### Textual Amendments

**F74** Words in Art. 34(5) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(17)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

- F75** Words in Art. 34(5) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(b), **6**
- F76** Words in Art. 34(6) substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(17)(b)(i)** (as substituted by [S.I. 2020/1501](#), regs. 1(a), **5(3)(d)**)
- F77** Words in Art. 34(6) omitted (31.12.2020) by virtue of [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(17)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 35

#### Additional forms of expression and presentation

1 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.

2 [<sup>F78</sup>The appropriate authority] 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. <sup>F79</sup> ...

3 [<sup>F80</sup>The appropriate authority may monitor the use] of additional forms of expression or presentation of the nutrition declaration that are present on the market in their territory.

[<sup>F81</sup>Nothing in this Regulation prevents the appropriate authority from making type A regulations, so as] to facilitate the monitoring of the use of such additional forms of expression or presentation, [<sup>F82</sup>requiring] food business operators placing on the market <sup>F83</sup>... foods bearing such information to notify the competent authority [<sup>F84</sup>specified in those regulations] 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.

<sup>F85</sup>4 .....

<sup>F86</sup>5 .....

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

6 In order to ensure the uniform application of this Article, [<sup>F87</sup>regulations may be made] setting out detailed rules concerning the implementation of paragraphs 1, 3 and 4 of this Article.

F88  
...

#### Textual Amendments

- F78** Words in Art. 35(2) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 35(2) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in Art. 35(3) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 35(3) inserted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(b)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Word in Art. 35(3) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(b)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Words in Art. 35(3) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(b)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** Words in Art. 35(3) inserted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(b)(ii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F85** Art. 35(4) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Art. 35(5) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(18)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 35(6) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 35(6) omitted (31.12.2020) by virtue of The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, **4(18)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER V

### VOLUNTARY FOOD INFORMATION

#### Article 36

#### Applicable requirements

1 Where food information referred to in Articles 9 and 10 is provided on a voluntary basis, such information shall comply with the requirements laid down in Sections 2 and 3 of Chapter IV.

2 Food information provided on a voluntary basis shall meet the following requirements:

- it shall not mislead the consumer, as referred to in Article 7;
- it shall not be ambiguous or confusing for the consumer; and
- it shall, where appropriate, be based on the relevant scientific data.

3 [<sup>F89</sup>Regulations may be made] on the application of the requirements referred to in paragraph 2 of this Article to the following voluntary food information:

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

- a information on the possible and unintentional presence in food of substances or products causing allergies or intolerances;
- b information related to suitability of a food for vegetarians or vegans<sup>[F90]</sup>;
- c the indication of reference intakes for specific population groups in addition to the reference intakes set out in Annex XIII<sup>[F90]</sup>; and
- <sup>[F91]</sup>d information on the absence or reduced presence of gluten in food.]

F92  
...

4 In order to ensure that consumers are appropriately informed, where voluntary food information is provided by food business operators on a divergent basis which might mislead or confuse the consumer, <sup>[F93]</sup>regulations may provide for additional cases of provision of voluntary food information to the ones referred to in paragraph 3 of this Article.

#### Textual Amendments

- F89** Words in Art. 36(3) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, 4(19)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F90** Substituted by Commission Delegated Regulation (EU) No 1155/2013 of 21 August 2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards information on the absence or reduced presence of gluten in food.
- F91** Inserted by Commission Delegated Regulation (EU) No 1155/2013 of 21 August 2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards information on the absence or reduced presence of gluten in food.
- F92** Words in Art. 36(3) omitted (31.12.2020) by virtue of The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, 4(19)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in Art. 36(4) substituted (31.12.2020) by The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/778), regs. 1, 4(19)(b); 2020 c. 1, Sch. 5 para. 1(1)

#### Article 37

#### Presentation

Voluntary food information shall not be displayed to the detriment of the space available for mandatory food information.

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

## CHAPTER VI

### NATIONAL MEASURES

#### <sup>F94</sup> Article 38

##### Subordinate legislation

Any provision in this Regulation that relates to any specific matter has the effect on and after IP completion day of preventing the making of any enactment in subordinate legislation (within the meaning of section 20(1) of the European Union (Withdrawal) Act 2018) relating to the same matter unless the making of such an enactment is authorised by this Regulation or by other retained direct EU legislation.]

##### Textual Amendments

**F94** Art. 38 substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/529), regs. 1, **5(19)** (as amended by [S.I. 2020/1501](#), regs. 1(a), **4(4)(b)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Article 39

##### National measures on additional mandatory particulars

1 In addition to the mandatory particulars referred to in Article 9(1) and in Article 10, [<sup>F95</sup>nothing in this Regulation prevents the appropriate authority from making type A or B regulations] requiring additional mandatory particulars for specific types or categories of foods, justified on grounds of at least one of the following:

- a [<sup>F96</sup>in the case of type A regulations,] the protection of public health;
- b [<sup>F97</sup>in the case of type A or B regulations,] the protection of consumers;
- c [<sup>F98</sup>in the case of type A or B regulations,] the prevention of fraud;
- d [<sup>F99</sup>in the case of type A regulations,] the protection of industrial and commercial property rights, indications of provenance, registered designations of origin and the prevention of unfair competition.

2 By means of [<sup>F100</sup>type A regulations referred to in paragraph 1, the appropriate authority] may introduce measures concerning the mandatory indication of the country of origin or place of provenance of foods only where there is a proven link between certain qualities of the food and its origin or provenance. [<sup>F101</sup>It is a condition of making such regulations that the appropriate authority considers that the majority of consumers in the territory to which the measures would apply attach significant value to the provision of that information.]

##### Textual Amendments

**F95** Words in [Art. 39\(1\)](#) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/529), regs. 1, **5(20)(a)(i)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F96** Words in [Art. 39\(1\)\(a\)](#) inserted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/529), regs. 1, **5(20)(a)(ii)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F97** Words in [Art. 39\(1\)\(b\)](#) inserted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/529), regs. 1, **5(20)(a)(iii)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

- F98** Words in Art. 39(1)(c) inserted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(20)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 39(1)(d) inserted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(20)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in Art. 39(2) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(20)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in Art. 39(2) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(20)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 40

### Milk and milk products

[<sup>F102</sup>1]. [<sup>F103</sup>Nothing in this Regulation prevents the appropriate authority from making type A regulations derogating from any of the provisions specified in paragraph 2] in the case of milk and milk products presented in glass bottles intended for reuse.

[<sup>F104</sup>2. The specified provisions are:

- a Article 9(1), except for Article 9(1)(e), and
- b Article 10(1).

3. Nothing in this Regulation prevents the appropriate authority from making type B regulations derogating from Article 9(1)(e) in the case of milk and milk products presented in glass bottles intended for reuse.]

#### Textual Amendments

- F102** Art. 40 renumbered as Art. 40(1) (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 40(1) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(21)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Art. 40(2)(3) substituted for words in Art. 40 (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(21)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F105</sup>Article 41

### Alcoholic beverages

#### Textual Amendments

- F105** Art. 41 omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(22)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

## Article 42

### Expression of the net quantity

In the absence of [<sup>F106</sup>any regulations made under] Article 23(2) concerning the expression of net quantity for specified foods in a different manner to that provided for in Article 23(1), [<sup>F107</sup>the measures in the legislation specified in the second paragraph concerning the expression of net quantity for specified foods in a different manner to that provided for in Article 23(1) may be maintained].

[<sup>F108</sup>The specified legislation is:

- a the Weights and Measures (Miscellaneous Foods) Order 1988;
- b the Weights and Measures (Packaged Goods) Regulations 2006.]

F109

#### Textual Amendments

- F106** Words in Art. 42 substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(23)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 42 substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(23)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F108** Words in Art. 42 inserted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(23)(b)**, **Sch. 2 Pt. 3** (as amended by [S.I. 2020/1501](#), regs. 1(a), **4(6)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F109** Words in Art. 42 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(23)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 43

### Voluntary indication of reference intakes for specific population groups

Pending the [<sup>F110</sup>making of regulations under Article 36(3)(c), nothing in this Regulation prevents the appropriate authority from making type A regulations] on the voluntary indication of reference intakes for specific population groups.

F111

#### Textual Amendments

- F110** Words in Art. 43 substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(24)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 43 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(24)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

## Article 44

### National measures for non-prepacked food

1 Where foods are offered for sale to the final consumer or to mass caterers without prepackaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale:

- a the provision of the particulars specified in point (c) of Article 9(1) is mandatory;
- [<sup>F112</sup>b the provision of the particulars specified in Articles 9(1)(e) is not mandatory but nothing in this Regulation prevents type B regulations from being made to make the provision of those particulars mandatory;
- c the provision of the other particulars specified in Articles 9(1) and 10 is not mandatory but nothing in this Regulation prevents type A regulations from being made to make the provision of those particulars, or some of those particulars, mandatory.]

2 [<sup>F113</sup>Nothing in this Regulation prevents the appropriate authority from making type A or B regulations] concerning the means through which the particulars or elements of those particulars specified in paragraph 1 are to be made available and, where appropriate, their form of expression and presentation.

<sup>F114</sup>3 .....

#### Textual Amendments

- F112** Art. 44(1)(b)(c) substituted for Art. 44(1)(b) (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(25)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Words in Art. 44(2) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Art. 44(3) omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(25)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F115</sup>Article 45

### Notification procedure

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#### Textual Amendments

- F115** Art. 45 omitted (31.12.2020) by virtue of The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(26)**; 2020 c. 1, Sch. 5 para. 1(1)



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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

## CHAPTER VII

### IMPLEMENTING, AMENDING AND FINAL PROVISIONS

#### Article 46

##### Amendments to the Annexes

In order to take into account technical progress, scientific developments, consumers' health, or consumers' need for information, and subject to the provisions of Article 10(2) and Article 21(2) relating to the amendments to Annexes II and III, [<sup>F116</sup>regulations may] amend the Annexes to this Regulation.

##### Textual Amendments

**F116** Words in Art. 46 substituted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(20)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F117</sup>Article 47

##### Transitional period for and date of application of implementing measures or delegated acts

##### Textual Amendments

**F117** Art. 47 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(26)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F118</sup>Article 48

##### Committee

##### Textual Amendments

**F118** Art. 48 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(26)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 49

##### Amendments to Regulation (EC) No 1924/2006

The first and second paragraphs of Article 7 of Regulation (EC) No 1924/2006 are replaced by the following:

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

Nutrition labelling of products on which a nutrition and/or health claim is made shall be mandatory, with the exception of generic advertising. The information to be provided shall consist of that specified in Article 30(1) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers<sup>(8)</sup>. Where a nutrition and/or health claim is made for a nutrient referred to in Article 30(2) of Regulation (EU) No 1169/2011 the amount of that nutrient shall be declared in accordance with Articles 31 to 34 of that Regulation.

The amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall be stated in the same field of vision as the nutrition labelling and be expressed in accordance with Articles 31, 32 and 33 of Regulation (EU) No 1169/2011. The units of measurement used to express the amount of the substance shall be appropriate for the individual substances concerned..

#### *Article 50*

### **Amendments to Regulation (EC) No 1925/2006**

Paragraph 3 of Article 7 of Regulation (EC) No 1925/2006 is replaced by the following:

3. Nutrition labelling of products to which vitamins and minerals have been added and which are covered by this Regulation shall be compulsory. The information to be provided shall consist of that specified in Article 30(1) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers<sup>(9)</sup> and of the total amounts present of the vitamins and minerals when added to the food..

#### *Article 51*

### **Type C regulations: general**

- 1 The power to make type C regulations is exercisable by the appropriate authority.
- 2 But the power to make type C regulations under a provision specified in paragraph 5 may be exercised by the Secretary of State for the whole or part of Great Britain if consent is given by:
  - a) for regulations applying in relation to Scotland, the Scottish Ministers;
  - b) for regulations applying in relation to Wales, the Welsh Ministers.
- 3 The power to make type C regulations under Article 21(2) to update the list in Annex 2 may only be exercised by the Secretary of State for the whole or part of Great Britain if:
  - a) the Secretary of State considers it necessary to update the list,
  - b) to the extent that the regulations will apply to Scotland, the Scottish Ministers consider it necessary to update the list, and
  - c) to the extent that the regulations will apply to Wales, the Welsh Ministers consider it necessary to update the list.
- 4 Type C regulations may:
  - a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct minor EU legislation);
  - b) make different provision for different purposes.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

5 The specified provisions are:

- a) Article 10(2);
- b) Article 21(2);
- c) Article 24(3);
- d) Article 26(8);
- e) Article 27(2);
- f) Article 34(6);
- g) Article 36(3).

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### *Article 51a*

#### **Type D regulations: general**

1. The power to make type D regulations is exercisable:
  - a) as regards matters concerning the regulation of, and obligation to provide, particulars of the type specified in Article 9(1)(e), by the Secretary of State;
  - b) as regards other matters, by the appropriate authority.
2. But in relation to the power to make type D regulations under a provision specified in paragraph 4 as regards a matter covered by paragraph 1(b), the Secretary of State may make regulations for the whole or part of Great Britain if consent is given by:
  - a) for regulations applying in relation to Scotland, the Scottish Ministers;
  - b) for regulations applying in relation to Wales, the Welsh Ministers.
3. The specified provisions are:
  - a) Article 12(4);
  - b) Article 13(4);
  - c) Article 46.

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### *Article 51b*

#### **Type E regulations: general**

- 1 The power to make type E regulations is exercisable by the Secretary of State.
- 2 Type E regulations may:

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

- a contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct minor EU legislation);
- b make different provision for different purposes.

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Article 51c

#### Type C, D and E regulations: the Secretary of State

- 1 Type C, D and E regulations made by the Secretary of State are to be made by statutory instrument.
- 2 Except as specified in paragraphs 5 and 6, a statutory instrument containing type C regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- 3 A statutory instrument containing type D regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- 4 A statutory instrument containing type E regulations made by the Secretary of State may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 5 Except as specified in paragraph 6, a statutory instrument containing regulations made by the Secretary of State under Article 10(2), 21(2) or 30(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 6 A statutory instrument containing regulations made by the Secretary of State made under Article 21(2) may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- 7 After an instrument is made in accordance with paragraph 6, it must be laid before each House of Parliament.
- 8 Regulations contained in an instrument made in accordance with paragraph 6 cease to have effect at the end of the period of one month beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- 9 In calculating the period of one month, no account is to be taken of any time during which:
  - a Parliament is dissolved or prorogued, or
  - b either House of Parliament is adjourned for more than four days.
- 10 If regulations cease to have effect as a result of paragraph 8, that does not:
  - a affect the validity of anything previously done under the regulations;

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

- b prevent the making of new regulations.

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

### Article 51d

#### Type C and D Regulations: the Scottish Ministers

1 For type C and D regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

2 Except as specified in paragraphs 4 and 5, type C regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3 Type D regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

4 Except as specified in paragraph 5, regulations made by the Scottish Ministers under Article 10(2), 21(2) or 30(6) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

5 Regulations made under Article 21(2) may be made without being subject to the affirmative procedure if the regulations contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to that procedure.

6 After regulations are made in accordance with paragraph 5, they must be laid before the Scottish Parliament.

7 Regulations made in accordance with paragraph 5 cease to have effect at the end of the period of one month beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

8 In calculating the period of one month, no account is to be taken of any time during which the Scottish Parliament is:

- a dissolved, or
- b in recess for more than four days.

9 If regulations cease to have effect as a result of paragraph 7, that does not:

- a affect the validity of anything previously done under the regulations;
- b prevent the making of new regulations.

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

### Article 51e

#### Type C and D regulations: the Welsh Ministers

1 Type C and D regulations made by the Welsh Ministers are to be made by statutory instrument.

2 Except as specified in paragraphs 4 and 5, a statutory instrument containing type C regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

3 A statutory instrument containing type D regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

4 Except as specified in paragraph 5, a statutory instrument containing regulations made under Article 10(2), 21(2) or 30(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

5 A statutory instrument containing regulations made under Article 21(2) may be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales if it contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.

6 After a statutory instrument is made in accordance with paragraph 5, it must be laid before the National Assembly for Wales.

7 Regulations contained in a statutory instrument made in accordance with paragraph 5 cease to have effect at the end of the period of one month beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

8 In calculating the period of one month, no account is to be taken of any time during which the National Assembly for Wales is:

- a dissolved, or
- b in recess for more than four days.

9 If regulations cease to have effect as a result of paragraph 7, that does not:

- a affect the validity of anything previously done under the regulations;
- b prevent the making of new regulations.]

#### Textual Amendments

**F119** Arts. 51-51e substituted for Art. 51 by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), reg. 1, **Sch.** (as amended by S.I. 2020/1501, regs. 1(a), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

<sup>F120</sup> Article 52

#### Urgency procedure

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*Status: Point in time view as at 27/05/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

#### **Textual Amendments**

**F120** Art. 52 omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(26)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *Article 53*

#### **Repeal**

- 1 Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC and 2008/5/EC and Regulation (EC) No 608/2004 are repealed as from 13 December 2014.
- 2 References to the repealed acts shall be construed as references to this Regulation.

#### *Article 54*

#### **Transitional measures**

1 Foods placed on the market or labelled prior to 13 December 2014 which do not comply with the requirements of this Regulation may be marketed until the stocks of the foods are exhausted.

Foods placed on the market or labelled prior to 13 December 2016 which do not comply with the requirement laid down in point (l) of Article 9(1) may be marketed until the stocks of the foods are exhausted.

Foods placed on the market or labelled prior to 1 January 2014 which do not comply with the requirements laid down in Part B of Annex VI may be marketed until the stocks of the foods are exhausted.

2 Between 13 December 2014 and 13 December 2016, where the nutrition declaration is provided on a voluntary basis, it shall comply with Articles 30 to 35.

3 Notwithstanding Directive 90/496/EEC, Article 7 of Regulation (EC) No 1924/2006 and Article 7(3) of Regulation (EC) No 1925/2006, foods labelled in accordance with Articles 30 to 35 of this Regulation may be placed on the market before 13 December 2014.

Notwithstanding Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council<sup>(10)</sup>, foods labelled in accordance with Part B of Annex VI to this Regulation may be placed on the market before 1 January 2014.

#### *Article 55*

#### **Entry into force and date of application**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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*Status: Point in time view as at 27/05/2021.*

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)*

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It shall apply from 13 December 2014, with the exception of point (l) of Article 9(1), which shall apply from 13 December 2016, and Part B of Annex VI, which shall apply from 1 January 2014.

F121 ...

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**Textual Amendments**

**F121** Words in [Signature](#) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(27)**; 2020 c. 1, Sch. 5 para. 1(1)



**Status:** Point in time view as at 27/05/2021.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council. (See end of Document for details)

- (1) OJ L 139, 30.4.2004, p. 1.
- (2) OJ L 354, 31.12.2008, p. 7.
- (3) OJ L 354, 31.12.2008, p. 16.
- (4) OJ L 354, 31.12.2008, p. 34.
- (5) OJ L 139, 30.4.2004, p. 55.
- (6) OJ L 376, 27.12.2006, p. 21.
- (7) [<sup>F5</sup>Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1).]
- (8) OJ L 304, 22.11.2011, p. 18’.
- (9) OJ L 304, 22.11.2011, p. 18’.
- (10) OJ L 314, 1.12.2009, p. 10.

#### Textual Amendments

- F5** Inserted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).

**Status:**

Point in time view as at 27/05/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) No 1169/2011 of the European Parliament and of the Council.