

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 VI

### NATIONAL MEASURES

#### *[<sup>F1</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**

**F1** 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>F2</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>F3</sup>in the case of type A regulations,] the protection of public health;
- b [<sup>F4</sup>in the case of type A or B regulations,] the protection of consumers;
- c [<sup>F5</sup>in the case of type A or B regulations,] the prevention of fraud;
- d [<sup>F6</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>F7</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

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and its origin or provenance. <sup>[F8]</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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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>[F9]</sup>1. <sup>[F10]</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>[F11]</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

- F9** 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)
- F10** 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)
- F11** 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)

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## <sup>F12</sup>Article 41

### Alcoholic beverages

#### Textual Amendments

- F12** 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)

## Article 42

### Expression of the net quantity

In the absence of [<sup>F13</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>F14</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>F15</sup>The specified legislation is:

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

<sup>F16</sup>

#### Textual Amendments

- F13** 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)
- F14** 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)
- F15** 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)**
- F16** 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>F17</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.

<sup>F18</sup>

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#### Textual Amendments

- F17** 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)
- F18** 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)

#### 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>F19</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>F20</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>F21</sup>3 .....

#### Textual Amendments

- F19** 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)
- F20** 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)
- F21** 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>F22</sup>Article 45

### Notification procedure

#### Textual Amendments

- F22** 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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