

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 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>F1</sup>regulations may] amend the Annexes to this Regulation.

#### **Textual Amendments**

- F1** 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>F2</sup>*Article 47*

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

#### **Textual Amendments**

- F2** 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>F3</sup>*Article 48*

#### **Committee**

*Status: Point in time view as at 27/05/2021.*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, CHAPTER VII. (See end of Document for details)*

### Textual Amendments

**F3** 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:

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>(1)</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>(2)</sup> and of the total amounts present of the vitamins and minerals when added to the food..

### [<sup>F4</sup>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.

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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.

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

- F4** 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.

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#### Textual Amendments

- F4** 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:
  - 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

- F4** 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.

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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;
- b prevent the making of new regulations.

#### Textual Amendments

- F4** 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.

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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

- F4** 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 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:

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

#### Textual Amendments

- F4** 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>F5</sup>Article 52

### Urgency procedure

#### Textual Amendments

- F5** 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.

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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>(3)</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*.

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.



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- (1) OJ L 304, 22.11.2011, p. 18’.
- (2) OJ L 304, 22.11.2011, p. 18’.
- (3) OJ L 314, 1.12.2009, p. 10.

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