

Commission Regulation (EU) No 907/2013 of 20 September 2013 setting the rules for applications concerning the use of generic descriptors (denominations) (Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods⁽¹⁾, and in particular Article 1(4) thereof,

Whereas:

- (1) Pursuant to Article 1(4) of Regulation (EC) No 1924/2006 specific generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on health may be exempted from the application of that Regulation following an application by the food business operators concerned.
- (2) In order to ensure that applications on generic descriptors are dealt with transparently and within a reasonable time, Article 1(4) of Regulation (EC) No 1924/2006 requires the Commission to adopt and make public the rules according to which such applications shall be made.
- (3) The rules should ensure that the application is compiled in a way which presents and provides all the necessary information for the assessment of the application. Furthermore they should not prevent the Commission from requiring supplementary information, where appropriate and depending on the nature of the generic descriptor and the extent of the derogation applied for.
- (4) It is appropriate to allow trade associations representing specific food sectors to submit applications on behalf of their members, in order to avoid multiple applications in respect of the same generic descriptor (denomination).
- (5) In order, inter alia, to ensure a high level of protection for consumers, the use of claims should not be false, ambiguous or misleading. The same principle should apply for the use of generic descriptors (denominations) which could imply an effect on health. In order to achieve such objective and in line with the principle of proportionality, national authorities will have to exercise their own faculty of judgment, having regard

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to the case-law of the Court of Justice, to determine the typical reaction of the average consumer in a given case.

- (6) Generic descriptors (denominations) should correspond to a period of at least 20 years proven usage within the Member State(s) prior to the date of entry into force of this Regulation.
- (7) Member States have been consulted,

HAS ADOPTED THIS REGULATION:

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(1) [OJ L 404, 30.12.2006, p. 9.](#)

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