

## SCHEDULE 5

### Improvement notices - specified <sup>F1</sup>... provisions

#### Textual Amendments

- F1** Word in Sch. 5 heading omitted (20.7.2016) by virtue of [The Food Information \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/664\)](#), regs. 1(3), 2(7)(a)

## PART 2

### FIC provisions in relation to which an improvement notice may be served on and from 13 December 2014

<i>No.</i>	<i>Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
1.	Article 6 (basic requirement for food information to accompany food)	Articles 1(3) and 30(2) and (3), the first sub-paragraph of Article 54(1) and the other Articles of FIC listed in column 1, as appropriate
2.	Article 7(1) (prohibition on misleading information)	Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1)
3.	Article 7(2) (requirement for accurate, clear and easy to understand information)	Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1)
4.	Article 7(3) (prohibition on food information attributing health benefits to any food subject to certain derogations)	Articles 1(3), 6 and 7(4) and the first sub-paragraph of Article 54(1)
5.	Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information)	Articles 1(3), 6 and 8(1) and the first sub-paragraph of Article 54(1)
6.	Article 8(3) (requirement for a food business operator not to supply non-compliant food)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
7.	Article 8(4) (restrictions on the modification of information accompanying a food)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
8.	Article 8(5) (obligation to ensure and verify compliance with food information law etc.)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
9.	Article 8(6) (requirement to transmit information relating to non-prepacked foods)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
10.	Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
11.	Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators)	Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)

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| 12. | Article 9(1)(a) (mandatory indication relating to the name of the food)                                                                       | Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40, the first sub-paragraph of Article 54(1), Annex VI and regulation 3                                                                                                          |
| 13. | Article 9(1)(b) (mandatory indication relating to the list of ingredients)                                                                    | Articles 1(3), 6, 9(2), 11 and 16(1) and (2), the first sub-paragraph of Article 16(4), Articles 18, 19(1), 20 and 40, the first sub-paragraph of Article 54(1), Annexes VI and VII and regulation 3                                     |
| 14. | Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)                          | Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40, the first sub-paragraph of Article 54(1), Annex II and regulation 3                                                                                                      |
| 15. | Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients)                           | Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, the first sub-paragraph of Article 54(1), Annex VIII and regulation 3                                                                                                              |
| 16. | Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date)                                            | Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40, the first sub-paragraph of Article 54(1), points 1 and 2 of Annex X and regulation 3                                                                                                   |
| 17. | Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)                             | Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40, the first sub-paragraph of Article 54(1) and regulation 3                                                                                                                              |
| 18. | Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator)                        | Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40, the first sub-paragraph of Article 54(1) and regulation 3                                                                                                                            |
| 19. | Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance)                                                   | Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2) and 40, the first sub-paragraph of Article 54(1) and regulation 3                                                                                                                   |
| 20. | Article 9(1)(j) (mandatory indication relating to instructions for use)                                                                       | Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40, the first sub-paragraph of Article 54(1) and regulation 3                                                                                                                              |
| 21. | Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)  | Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, the first sub-paragraph of Article 54(1) and Annex XII                                                                                                                                 |
| 22. | Article 10(1) (additional mandatory particulars for specific types of food)                                                                   | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex III                                                                                                                                                              |
| 23. | Article 12(1) (availability and placement of mandatory food information)                                                                      | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Article 12(2) for pre-packed foods, Articles 12(5) and 44 for non-prepacked foods and Articles 14 and 44 for foods offered for sale by means of distance communication |
| 24. | Article 12(2) (general requirement for mandatory food information to appear directly on the package or on a label attached to prepacked food) | Articles 1(3) and 6, the first sub-paragraph of Article 54(1)                                                                                                                                                                            |

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| 25. | Article 13(1) (general requirement for the presentation of mandatory particulars)                                                                                                                                 | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5                                                                                                                                                                                |
| 26. | Article 13(2) (requirement relating to the presentation of mandatory particulars referred to in Article 9(1)(a) to (l))                                                                                           | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex IV, and, in relation to Article 13(2) as it applies to the presentation of a mandatory nutrition declaration, the second sub-paragraph of Article 55 [ <sup>F1</sup> and, in relation to honey, point 4(b) of Article 2 of Council Directive <a href="#">2001/110/EC</a> relating to honey] |
| 27. | Article 13(3) (font size of mandatory particulars on smaller packages)                                                                                                                                            | Articles 1(3) and 6 [ <sup>F2</sup> , the first subparagraph of Article 54(1) and, in relation to honey, point 4(b) of Article 2 of Council Directive <a href="#">2001/110/EC</a> ]                                                                                                                                                                                 |
| 28. | Article 13(5) (field of vision requirements)                                                                                                                                                                      | Articles 1(3), 6, 13(6) and 16(1) and (2) and the first sub-paragraph of Article 54(1)                                                                                                                                                                                                                                                                              |
| 29. | Article 14(1) (distance selling of prepacked foods)                                                                                                                                                               | Articles 1(3), 6, 9 and 14(3) and the first sub-paragraph of Article 54(1)                                                                                                                                                                                                                                                                                          |
| 30. | Article 14(2) (distance selling of non-prepacked foods)                                                                                                                                                           | Articles 1(3), 6, 14(1) and 42 and the first sub-paragraph of Article 54(1)                                                                                                                                                                                                                                                                                         |
| 31. | Article 15(1) (language requirements)                                                                                                                                                                             | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)                                                                                                                                                                                                                                                                                                    |
| 32. | Article 17(1) (name of food)                                                                                                                                                                                      | Articles 1(3), 6 and 9(1), the first sub-paragraph of Article 54(1), regulation 4 and Schedule 2                                                                                                                                                                                                                                                                    |
| 33. | F3<br>...                                                                                                                                                                                                         | F3<br>...                                                                                                                                                                                                                                                                                                                                                           |
| 34. | F3<br>...                                                                                                                                                                                                         | F3<br>...                                                                                                                                                                                                                                                                                                                                                           |
| 35. | Article 17(4) (prohibition against replacing the name of a food with another name)                                                                                                                                | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)                                                                                                                                                                                                                                                                                                    |
| 36. | Article 17(5) (requirements on the name of a food and particulars that must accompany it) except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat” | Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex VI                                                                                                                                                                                                                                                                                          |
| 37. | Article 18(1) (list of ingredient requirements)                                                                                                                                                                   | Articles 1(3), 6, 18(4), 19(1) and 20, the first sub-paragraph of Article 54(1), Annex VII, regulation 8 and the first sub-paragraph of paragraph 5 of Article 3 of Council Directive <a href="#">2001/112/EC</a> relating                                                                                                                                          |

**Changes to legislation:** There are currently no known outstanding effects for the The Food Information (Wales) Regulations 2014, PART 2. (See end of Document for details)

- to fruit juices and certain similar products intended for human consumption  
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38. Article 18(2) (requirement to designate ingredients by their specific name) Articles 1(3), 6, 17, 18(4) and 19(1), the first sub-paragraph of Article 54(1) and Annexes VI and VII
  39. Article 18(3) (requirement relating to nanomaterial ingredients) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
  40. Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance) Articles 1(3), 6, 9(1)(c) and 18(1), the first sub-paragraph of Article 54(1), Annex II and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
  41. Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient) Articles 1(3), 6 and 22(2), the first sub-paragraph of Article 54(1) and Annex VIII
  42. Article 22(2) (technical rules for quantitative indication of ingredients) Articles 1(3), 6 and 22(1), the first sub-paragraph of Article 54(1) and Annex VIII
  43. Article 24(1), first sentence (requirement relating to “use by” dates) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
  44. Article 24(2) (requirement to express minimum durability date, “use by” date and date of freezing in a particular way) Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex X
  45. Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
  46. Article 25(2) (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
  47. Article 26(2)(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases) Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XI
  48. Article 27(1) (instructions for use indication) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
  49. Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol) Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XII
  50. Article 30(1) (content of mandatory nutrition declaration) Articles 1(3), 6, 29, 31(1) (as read with Annex XIV) and 31(3), the first sub-paragraph of Article 31(4), Articles 32(1) (as read with Annex XV), 32(2), 33(1) and 35(1) and the first sub-paragraph of Article 54(1)

51. Article 31(1) (conversion factors to be used for calculation of energy value) Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XIV
52. Article 31(3), first sub-paragraph (requirement for energy value and amounts of nutrients to be those of the foods as sold except as provided for in the second sub-paragraph of Article 31(3)) Articles 1(3), 6 and 30(1) to (5) and the first sub-paragraph of Article 54(1)
53. Article 31(4), first sub-paragraph (requirement for declared values to be average values based on a methodology set out in the first sub-paragraph of Article 31(4)) Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)
54. Article 32(1) (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients) Articles 1(3) and 6, the first sub-paragraph of Article 54(1) and Annex XV
55. Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres) Articles 1(3), 6, 33(1), (2) and (3), the first sub-paragraph of Article 54(1) and Part B of Annex XIII
56. Article 32(3) (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes) Articles 1(3), 6 and 30(2)(f), the first sub-paragraph of Article 54(1) and Part A of Annex XIII
57. Article 32(5) (requirement for additional statement relating to the reference intake of an average adult) Articles 1(3), 6 and 32(4) (as read with Part B of Annex XIII) and the first sub-paragraph of Article 54(1)
58. Article 33(1) (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres) Articles 1(3), 6 and 32(2), (3) and (4) and the first sub-paragraph of Article 54(1)
59. Article 33(2), second sub-paragraph (requirement for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only) Articles 1(3), 6, 30(3)(b) and 32(2), the first sub-paragraph of Article 33(2) and the first sub-paragraph of Article 54(1)
60. Article 33(4) (requirement for the portion or unit used to be in close proximity to the nutrition declaration) Articles 1(3), 6 and 33(1) and the first sub-paragraph of Article 54(1)
61. Article 34(1) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – field of vision, format and order of presentation) Articles 1(3), 6 and 30(1) and (2), the first sub-paragraph of Article 54(1) and Annex XV
62. Article 34(2) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – format and alignment of numbers) Articles 1(3), 6, and 30(1) and (2), the second sub-paragraph of Article 34(3), Article 34(4) and the first sub-paragraph of Article 54(1)

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| 63. | Article 34(3), first sub-paragraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated (on a voluntary basis) in accordance with Article 30(3))                                                           | Articles 1(3), 6 and 30(3), the second sub-paragraph of Article 34(3) and the first sub-paragraph of Article 54(1)      |
| 64. | Article 34(5), first sub-paragraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present)                                                               | Articles 1(3), 6 and 30(1) to (5) and the first sub-paragraph of Article 54(1)                                          |
| 65. | Article 35(1) (requirements where additional forms of expression and presentation relating to energy value and the amount of nutrients are used)                                                                                                                 | Articles 1(3), 6, 7, 30(1) to (5), 32(2) and (4), 33 and 34(2), the first sub-paragraph of Article 54(1) and Annex VIII |
| 66. | Article 36(1) (requirements that voluntary information must comply with)                                                                                                                                                                                         | Articles 1(3) and 6, sections 2 and 3 of Chapter IV and the first sub-paragraph of Article 54(1)                        |
| 67. | Article 36(2) (additional requirements that voluntary information must comply with)                                                                                                                                                                              | Articles 1(3), 6 and 7 and the first sub-paragraph of Article 54(1)                                                     |
| 68. | Article 37 (presentation of voluntary food information – space availability)                                                                                                                                                                                     | Articles 1(3) and 6 and the first sub-paragraph of Article 54(1)                                                        |
| 69. | Article 44(1)(a) (provision of allergen information for non-prepacked food)                                                                                                                                                                                      | Articles 1(3), 6 and 9(1)(c), the first sub-paragraph of Article 54(1) and regulation 5                                 |
| 70. | Article 54(2) (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13 December 2014 to and including 12 December 2016) | Articles 1(3), 6 and 29 to 35                                                                                           |

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#### Textual Amendments

- F1** Words in Sch. 5 Pt. 2 inserted (3.8.2015) by [The Honey \(Wales\) Regulations 2015 \(S.I. 2015/1507\)](#), reg. 1(2), **Sch. 3 para. 2(a)**
- F2** Words in Sch. 5 Pt. 2 substituted (3.8.2015) by [The Honey \(Wales\) Regulations 2015 \(S.I. 2015/1507\)](#), reg. 1(2), **Sch. 3 para. 2(b)**
- F3** Words in Sch. 5 Pt. 2 omitted (31.12.2020) by virtue of [The Food Standards and Labelling \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/435\)](#), regs. 1(3), **5**; 2020 c. 1, Sch. 5 para. 1(1)

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#### Marginal Citations

- M1** OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p 1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Information (Wales) Regulations 2014, PART 2.