COMMISSION IMPLEMENTING REGULATION (EU) No …/..

of XXX

laying down rules for the application of Article 26(3) of Regulation (EU) N° 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 country of origin or place of provenance of the primary ingredient of a food where different to that given for that food

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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


Whereas:

1) Article 26 paragraph 3 of Regulation (EU) N° 1169/2011 (hereafter "the Regulation") establishes rules and labelling requirements in case where the country of origin or the place of provenance of a food is given and it is not the same as that of its primary ingredient. It further states that its implementation shall be subject to the adoption of an implementing act.

¹ OJ L 304, 22.11.2011, p. 18.
2) The country of origin or the place of provenance of a food should be considered as being given in all cases where an indication put on its label, in the form of a statement, a term, a pictorial representation or a symbol is explicitly intended to provide such information to the purchaser, and is likely to have such effect on normally informed and reasonably circumspect consumers.

3) Geographical statements or terms included in, or accompanying the name of the food, may be also used for the purpose of referring to traditional recipes or specific manufacturing practices in certain countries or places, well known by the consumers. For the purpose of this Regulation, those indications should not be considered as giving the country of origin or the place of provenance of the food concerned.

4) Article 26 paragraph 3 of the Regulation aims at ensuring that consumers are not misled where the country of origin or the place of provenance of a food is given and that they are accurately informed where food business operators draw their attention in highlighting such characteristic of the food concerned. That is why, in such circumstances, that provision requires that, where the country of origin or the place of provenance of the food is different to that of its primary ingredient, the country of origin or the place of provenance of the latter is also given, or alternatively at least indicated as different, on the choice of the food business operator.

5) With a view to ensuring that the objectives of the provision concerned could be reached, as regards the information of the consumers, it is necessary to set rules providing for sufficiently precise and meaningful information on the country of origin or the place of provenance of the primary ingredient where it is given, enabling the consumers to make their choice in full knowledge of the facts. It is therefore appropriate that in principle such indication should be provided for the primary ingredient at least at the same level of precision as the one used for the food.

6) However, the primary ingredient in certain foods may include inseparable parts of two or more origins or provenances, due to multiple or variable supply sources, and disclosing all possible origins or provenances could considerably increase the production costs, and possibly the retail prices, without increasing proportionately the usefulness of the information provided to the consumers. Consequently, food business operators should be allowed, in such circumstances, if they wish, to give the country of origin or place of provenance of the primary ingredient at a lower level of precision than the one used for the food.

7) Where harmonised rules are in force for the indication of the country of origin or the place of provenance of certain foods, they should also be used for the purpose of giving the country of origin or place of provenance of the same foods used as primary ingredients for the purpose of Article 26 paragraph 3 of the Regulation.

8) With a view to ensuring clear, simple and meaningful information where food business operators prefer to only indicate that the country of origin or place of provenance of the primary ingredient is different to that of the food, a harmonised statement should be specified in the implementing provisions.
9) The information provided on food labels by application of Article 26 paragraph 3 of the Regulation should be presented in a way as to complement the information given to the consumers on the country of origin or place of provenance of the final food, and should be easily visible and readable. Rules should therefore be set to that effect.

10) In accordance with Article 47 of the Regulation, an appropriate transitional period should be established for the application of this Regulation.

11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

1. This Regulation lays down rules on the information to be given on the country of origin or place of provenance of the primary ingredient of a food, where it is not the same as that given on the label for that food, as provided for in Article 26 paragraph 3 of Regulation (EU) № 1169/2011.

2. The country of origin or the place of provenance of a food shall be considered as being given where any indication such as statements, terms, pictorial presentation or symbols, put on the label of that food, is clearly intended to give to the purchaser information on the country of origin or the place of provenance of that food, and is likely to have such effect.

3. Geographical statements or terms included in, or accompanying the name of the food, shall not be considered as giving the country of origin or the place of provenance of the food concerned for the purpose of Article 26 paragraph 3 of Regulation (EU) № 1169/2011, where they are clearly intended to refer to traditional recipes or to specific manufacturing practices in certain countries or places, well known by normally informed and reasonably circumspect consumers.

Article 2
Definitions

For the purposes of this Regulation:

(a) The definitions in Article 2 of Regulation (EU) No 1169/2011, and the definition of "food business operator" in point (3) of Article 3 of Regulation (EC) № 178/2002 shall apply.

(b) "Level of precision" refers to the following geographical areas:

(i) EU or non-EU
(ii) Member State or third country
(iii) Region, or any other defined geographical area within a Member State or third country.

Article 3

Indication of the country of origin or place of provenance of the primary ingredient

1. Where the country of origin or place of provenance of the primary ingredient of a food is given, pursuant to Article 26(3) (a) of Regulation (EU) N° 1169/2011, it shall be expressed at least at the same level of precision as the country of origin or place of provenance given for the food.

2. Notwithstanding paragraphs 1, where a primary ingredient originates from more than two countries, or comes from more than two places, the countries of origin or places of provenance of that primary ingredient may be given at the immediate lower level of precision than the one given for the food.

Article 4

Where the primary ingredient is a food for which specific Union provisions apply for the indication of its country of origin or place of provenance, these provisions shall apply mutatis mutandis for the purpose of Article 3.

Article 5

Indication that the country of origin or place of provenance of the primary ingredient as different

Where the country of origin or place of provenance of the primary ingredient of a food is indicated as being different to that of the food, pursuant to Article 26(3) (b) of Regulation (EU) N° 1169/2011, that indication shall be made by means of a statement as follows.

(a) Where the country of origin of the food is given, the following formulation shall be used:
"…with (name of the primary ingredient) of different origin"

(b) Where the place of provenance of the food is given the following formulation shall be used:
"…with (name of the primary ingredient) of different provenance".
**Article 6**

**Presentation of the information**

1. Where the country of origin or place of provenance of a food is given by means of a statement in words, information provided pursuant to Article 3 or in accordance with Article 5 shall appear immediately after the indication of the country of origin or place of provenance of the food, and using the same font and font size.

2. Where the country of origin or place of provenance of a food is given by means of non-scriptural form, information provided pursuant to Article 3 or in accordance with Article 5 shall appear in the close proximity to the indication of the country of origin or place of provenance of the food. Article 13 paragraphs 2 and 3 of Regulation (EU) N° 1169/2011 shall apply for the purpose of this paragraph.

**Article 7**

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

It shall apply from 1 April 2018.

Foods which have been lawfully placed on the EU market or labelled before that date and which do not comply with the requirements of this Regulation may continue to be sold until the stocks are exhausted.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude Juncker*