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Sent: 23. apríl 2008 14:41
To: Elín Valdís Þorsteinsdóttir
Subject: Fw: Country of origin

Sæl Elín, hér koma svör EFTIRLITSSTOFNUNAR EFTA vegna spurninga minna vegna upprunalausmerkinga matvæla. Sjá hér að neðan. Bið þig að dreifa þessu til nefndarinnar vegna umræðna vegna upprunalausmerkinga. Reglugerð 503/2005 fjallar um merkingar matvæla þar segir í 6. gr.

Kveðja
Baldur

6. gr.

Merkingar sem skylt er að setja á neytendaumbúðir.

Skylt er að merkja matvæli með eftirfarandi:

1. Vöruheiti, sbr. ákvæði 7. gr.
2. Innihaldslýsing, sbr. ákvæði 8.-13. gr.
3. Magn tiltekinna innihaldsefna eða flokka innihaldsefna sbr. ákvæði 14. gr.
4. Nettóþyngd þegar um er að ræða matvæli í neytendaumbúðum, sbr. ákvæði 15.-18. gr.
5. Geymsluskilyrði, sbr. ákvæði 19. gr.
6. Geymslupól, sbr. ákvæði 20. - 22. gr.
7. **Heiti eða fyrirtækjaheiti og heimilisfang framleiðanda, pökkunaraðila eða seljanda með aðsetur á Evrópska efnahagssvæðinu. Heimilisfang skal gefið upp sem bær, borg eða hérað en auk þess er heimilt að skrá götuheiti, húsnúmer og/eða símanúmer.**
8. **Upplýsingar um uppruna eða framleiðsluland ef skortur á slíkum upplýsingum gæti villt um fyrir neytendum hvað varðar réttan uppruna matvæla.**
9. Notkunarleiðbeiningar ef ekki er unnt að nýta matvælin á réttan hátt án slíkra leiðbeininga. sbr. 23. gr.
10. Styrk vínanda miðað við rúmmál í drykkjarvörum sem innihalda meira en 1,2% af vínanda miðað við rúmmál, sbr. ákvæði 24. gr.
11. Framleiðslulota, sbr. 25. – 26. gr.

1) Does the EEA legislation allow member states to make food businesses obliged in labelling food with country of origin?

Labelling of foodstuffs is harmonised at EEA level and hence, there is little marge of manoeuvre for Member States to deviate from those harmonised rules. *Directive 2000/13/EC of the Parliament and of the Council on the approximation of the laws*

of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended, concerns the labelling of foodstuffs to be delivered to the final consumer and/or intended for supply to restaurants, canteens and other so-called 'mass caterers'. In accordance with point 8 of Article 3(1) of this Directive, Member States shall make it compulsory to indicate particulars of the place of origin or provenance of the foodstuffs only where failure to give such particulars might mislead the consumer to a material degree as to the true origin or provenance of the foodstuff. This means that, apart from such cases and those where vertical legislation exists for certain categories of foodstuffs, the country of origin is not a compulsory indication to be present in the labelling of foodstuffs. Producers are therefore free to provide whatever additional information they wish, as long as it is accurate and does not mislead the consumer.

In this respect, it should be highlighted that the European Commission outlined plans to overhaul food labelling rules have not included the possibility to introduce compulsory Europe-wide country of origin scheme. So for the time being, Member States are obliged to authorise trade in products that are in conformity with the provisions laid down in Directive 2000/13/EC, as amended.

2) Can Icelandic legislation insist on that Icelandic food businesses should label food with for example "produced in Iceland"?

National legislation could eventually regulate the country of origin labelling for products manufactured in Iceland by Icelandic food businesses provided those national rules do not hinder trade of products lawfully marketed in other EEA States. Directive 2000/13/EC uses Article 95 of the Treaty establishing the European Community (single market provision) as legal basis. This implies that the harmonised rules laid down in that Directive aim at the completion of the Internal Market. In view of this, Member States may retain their right to adopt supplementing national legislation which only affects national business provide these do not hinder trade from products lawfully marketed in other Member States, as laid down in Directive 2000/13/EC.

On the other hand, please note that Article 3.1(7) of Directive 2000/13/EC, lays down that the name or business name and address of the manufacturer or packager, or of a seller established within the Community, shall be compulsory on the labelling of foodstuffs.