



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Safety of the Food chain
E4 – Nutrition, food composition and information
Head of Unit

Brussels
SANCO/E4/AR/ar

Subject: Food Information Regulation – indication of the name of the importer on the packaging

Dear Mr Van Belleghem,

Thank you for your letter of 9 July 2014 concerning the interpretation and application of Article 9(1) (h) of Regulation (EU) No 1169/2011 in conjunction with Article 8(1). In particular, you raise the question whether the indication of the name or business name and address of an EU subsidiary of a third country manufacturer, whose sole business activity is to allow the use of its business name and address, is sufficient to meet the requirement laid down in Article 9(1)(h) of this Regulation.

This question should be assessed in light of the objectives pursued by the relevant provisions of Regulation EU (No) 1169/2011.

Article 9(1)(h) is intended a) to enable the consumers to easily contact a person responsible for the product with a view to expressing any positive or negative comments about the product bought and getting an appropriate feedback and b) subsequently to provide the national control authorities with the details of the food business operator responsible for the labelling of the product in the case of non-compliance.

Article 8 of Regulation (EU) No 1169/2011 clearly stipulates what are the obligations to be fulfilled. When foods are imported, it is for the importer to ensure the presence and accuracy of the food information in accordance with the applicable food information legislation and relevant national requirements. In this context, the importer is held liable and may be sanctioned by the competent local authorities if there is a breach of labelling rules.

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Mr Bart Van Belleghem
By email: bart.vanbelleghem@ec.eurolait.eu

A priori, it appears that the goals pursued by the above mentioned provisions could be hardly achieved if a third country manufacturer established a subsidiary in the EU which does not carry out any actual activity related to the production, processing and distribution of food. In this respect, an assessment, on a case by case basis, taking into account the contractual arrangements and in particular the liability-related terms, between the manufacturer and its agent, may be more appropriate.

It should be noted that Member States are responsible for the enforcement of EU food law and in the event of a dispute, ultimate responsibility for the interpretation of European Union law lies with the Court of Justice of the European Union. As you may be aware, this issue is currently under discussion with the competent authorities of the Member States in the context of the Expert Group on food information to consumers and therefore I invite you to ensure that you are kept informed about the outcome of those discussions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Mathioudakis', written in a cursive style.

Basil Mathioudakis