



European Association of Dairy Trade  
Europäischer Verband  
des Handels mit Milcherzeugnissen  
Association Européenne du Commerce  
des Produits Laitiers et Dérivés



Basil Mathioudakis  
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European Commission – DG SANCO E4  
Rue Breydel 4  
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Brussels, 09.07.2014

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

Dear Mr Mathioudakis,

Eucolait, the European Association of Dairy Trade, would like to draw your attention to a provision in the Food Information Regulation (FIR) which, depending on how it is interpreted, will restrict trade and create significant costs for operators. The provision in question is Article 8 (1) read in conjunction with Article 9 (1) (h).

*Article 8 (1) reads: "The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market."* According to Article 9 (1) (h), the name and address of this food business operator has to figure on the packaging.

In practice this means that if the manufacturer of the food is established outside the EU, the name of the importer has to be labelled. While we understand the rationale behind this provision, i.e. that consumers should have a contact point within the EU, we feel that requiring the indication of the name of the importer in the sense of customs rules would be overly burdensome. This is because a food manufacturer based outside the EU may use multiple import channels depending on the country and even for the same Member State. Such a company would then need to use a different packaging for each importer. Alternatively, it would have to restrict itself to working with one importer, which is in essence a trade restriction. Such a measure seems to be more trade restrictive than necessary because of the limited value for the consumer and could thus be incompatible with the WTO TBT agreement. In addition, it could be at odds with the spirit of bilateral agreements concluded in particular with our neighbouring countries as well as with the EFTA agreement.

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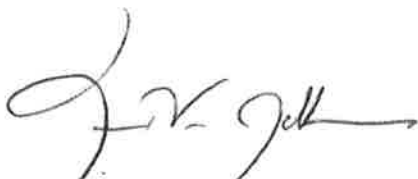
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We believe the easiest solution to this would be to define the term "importer" in a wide manner so as to cover subsidiaries or agents of the manufacturer as well even where they do not physically import the product. This way, the consumer would have a contact point within the EU and there would be no need for multiple labels.

We would highly appreciate if you could indicate how the Commission interprets the paragraphs in question and whether you would consider issuing guidance on this aspect. In the longer run, we believe there should be an amendment to the regulation which clarifies the legal situation for exporters and importers.

We look forward to your response and remain at your disposal for any further information.

Yours sincerely,

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

Bart Van Belleghem

Managing Director

Cc

Alexandra Nikolakopoulou – Deputy Head of Unit DG SANCO E4

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