

**Farmhouse and
Artisan
Cheese & Dairy Producers
European Network**

**MANDATORY NUTRITIONAL DECLARATION IN RELATION
TO FARMHOUSE AND ARTISAN DAIRY PRODUCTS WITH
REFERENCE TO FACE NETWORK'S POSITION**

Modification of point 19, Annex V of Regulation (EU) N° 1169/2011

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INTRODUCTION

Regulation (EU) No 1169/2011 of The European Parliament and of The Council, of 25 October 2011, on the provisions of food information to consumers (FIC)¹, makes it compulsory to provide a nutritional declaration for consumers on prepacked food.

The regulation defines “prepacked food” as *“any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale”*.

It is not compulsory to provide a nutritional declaration on non-packaged food, food packed on the sales premises at the consumer’s request or prepacked for direct sale, unless Member States adopt national measures requiring it.

Article 16.3 of FIC also makes it non-compulsory to provide a nutritional declaration for food listed in Annex V, such as:

- a) Unprocessed products that comprise a single ingredient or category of ingredients. Raw milk for human consumption is an example of this food category.
- b) Food in packaging or containers the largest surface of which has an area of less than 25 cm².
- c) Food, including handcrafted food, supplied directly by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

To summarize, dairy products, prepacked in the production premises must provide a nutritional declaration if sold by:

- a) Direct sale to final consumer as the most frequent way of selling and not only small quantities.
- b) Sale through retailers other than local ones
- c) Sale through a wholesaler or other food business operators

Nevertheless, there are many **arguments to remove the mandatory requirement for nutritional declarations for farmhouse and artisan dairy products, regardless of the method of sale and whether they are prepacked or not.**

DISCUSSION

1. In the “Report from The Commission to The European Parliament and The Council, regarding the mandatory indication of the country of origin or place of provenance for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat”², it’s stated that “*Consumer surveys reveal that the origin is an important purchase factor for milk, dairy and meat products but only after price, taste, and best before/use by dates*”.

The majority of consumers wish to know the origin of the dairy products as a key point for their decision of buying them. Farmhouse and artisan dairy products are produced from local raw milk or from raw milk coming from the own herd. Purchase decision for these products are not made depending on the nutritional composition, but on the fact of buying a unique and artisan made product with local raw materials.

2. Farmhouse and artisan dairy products are not standardized. Raw milk has normal variations in its composition through the lactation period. The amount of fat, protein and other components are not always the same throughout the year. Due to these fluctuations, farmhouse and artisan dairy products may show variable nutritional composition, making it difficult for small dairies to meet the requirement to present meaningful nutritional information.
3. Point n° 39 of the preamble to the FIC allows for the purchase decision not to be based on the products composition, when it says: “*To avoid unnecessary burdens on food business operators, it is appropriate to exempt from the mandatory provision of a nutrition declaration certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for consumers’ purchasing decisions, or for which the packaging is too small to accommodate the mandatory labeling requirements, unless the obligation to provide such information is provided for under other Union rules*”.

Unfortunately, the statement in annex V of the FIC relating to exemptions from the requirement for mandatory nutritional declaration appears to have mistakenly considered that all farmhouse and artisan dairy products are sold directly to the final consumers or to local retailers.

Some comments on this paragraph:

- a) There is no consensus on the definition of the terms “*direct selling or supply*”, “*small quantities*” and “*local*”, which could lead to situations of disadvantage either among Member States or among regions within the same Member State.

- b) The small and local nature of production is not always applicable to sales. Farmhouse and artisan dairy products are produced following traditional methods, but they are not exclusively sold on direct sales.

Direct sales are not always sufficient to sell the produce and balance the accounts of small enterprises. Many small dairy producers sell all or part of their products in longer circuits: via *affineurs*, wholesalers or other distribution platforms. In short, farmhouse and artisan cheesemakers use a variety of marketing methods which are adapted to their economic or geographical contexts.

Farmhouse and artisan dairy producers work in rural areas where the population density is typically low and without enough consumers to buy all of the produce. In these cases, producers sometimes are obliged to sell in longer circuits.

Farmhouse and artisan dairy producers may also wish to offer their high quality products to consumers outside their immediate surrounding area.

- c) The number of cheesemakers with a European hygiene approval status varies between 40 and 100% in the different countries represented within Face network. This allows them to sell their products all over the European Union as well as in third Countries and not only at the local level.
4. Recent research³ indicates that most consumers are keen to have nutrition labelling, particularly on processed products. Farmhouse and artisan cheeses and dairy products are food barely processed. They are handcrafted, following traditional methods, often using raw milk and often without any additions apart from milk, rennet or lactic acid bacteria.
 5. Mandatory nutrition labeling could adversely affect some businesses, especially smaller ones, who could find it hard to bear the costs³. Farmhouse and artisan dairies and cheesemakers are very small and often family businesses. The consultation document admits that complying with this requirement could have an adverse effect on the economy of farmhouse and artisan dairies and cheese producers. For this reason, this document recommends the derogation of the mandatory nutrition labeling for small-scale producers.
 6. Small-scale dairy producers have to deal with lots of difficulties in their daily work. Mandatory nutritional labeling creates a burden which is difficult to overcome. In the Report on the future of small agricultural holdings⁴, the European Parliament encourages the Commission and Member States to review the existing provisions on food safety with a view to reducing burdens and eliminating the obstacles that they may cause for the development of food processing and sales by small agricultural holdings.

CONCLUSIONS

1. Consumers do not base their purchasing decision of farmhouse and artisan dairy products according to their nutrition declaration, but on the conviction of buying unique and different food. Regulation (EU) No 1169/2011 allows for derogation in these circumstances.
2. The traditional method of production and the normal variation in the raw milk composition make more difficult to standardize the final products.
3. Costs of mandatory nutrition declaration for prepacked farmhouse and artisan dairy products could adversely affect the economy of these producers. The Commission has recommended the derogation of this requirement for small scale productions, regardless of the method of sale and whether they are prepacked or not.

PETITION

For the reason explained above, Face network urge Competent Authorities to modify Regulation (EU) N° 1169/2011 in the following way:

Annex V, point 19, where it says: “Food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer”, should say: **“Food, included handcrafted food produced in microenterprises^(*)”**.

^(*) Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC)

REFERENCES

1. Regulation (EU) No 1169/2011 of The European Parliament and of The Council of 25 October 2011, on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 . (OJ L 304, 22.11.2011, p. 18).
2. Report from The Commission to The European Parliament and The Council regarding the mandatory indication of the country of origin or place of provenance for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat. [COM\(2015\) 205 final](#).
3. Labeling: competitiveness, consumers information and better regulation for the EU. [DG\(SANCO\) Consultative Document](#). February 2006.
4. European Parliament. Report on the future of small agricultural holdings ([2013/2096\(INI\)](#)). Committee on Agriculture and Rural Development. 25.1.2014