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The Brewers of Europe

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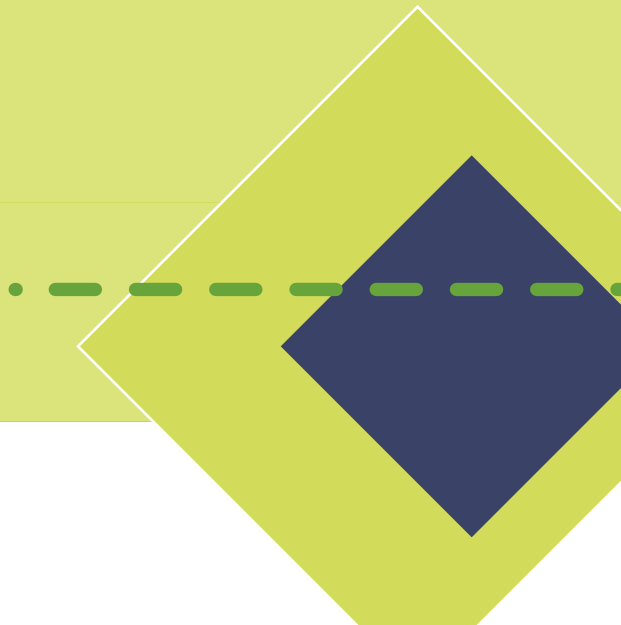
Self-regulatory proposal from the european alcoholic beverages sectors on the provision of nutrition information and ingredients listing



Disclaimer

This common part of the proposal has been approved by the participants of the European alcoholic beverages sectors and is the responsibility of the four sectors.

The sector annexes have been approved by the participants in that sector and are the sole responsibility of the individual sector concerned.

Framework

Article 16(4) of Regulation (EU) No 1169/2011 on the provision of food information to consumers exempts alcoholic beverages above 1.2% abv from the mandatory list of ingredients and the nutrition declaration.

Article 16 also sets the obligation for the Commission to "*produce a report concerning the application of Article 18 [List of ingredients] and Article 30(1) [nutrition declaration] to the products referred to in this paragraph [alcoholic beverages above 1.2% abv], and addressing whether alcoholic beverages should in future be covered, in particular, by the requirement to provide the information on the energy value, and the reasons justifying possible exemptions*".

As a result, the European Commission adopted on 13th March 2017 a report *"regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages"*.

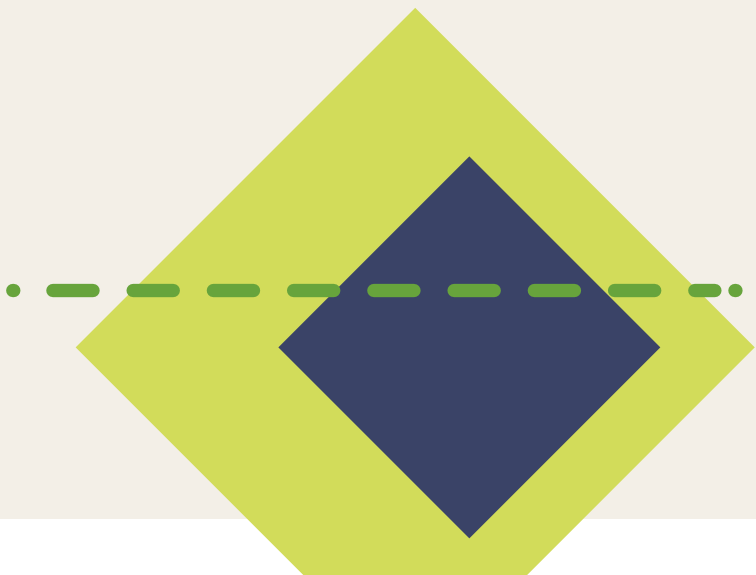
In the report's conclusions, the Commission *"invites the industry to respond to consumers' expectations and present within a year of adoption of this report a self-regulatory proposal [on ingredients and nutritional information] that would cover the entire sector of alcoholic beverages"*. The report also states that the Commission will assess the industry's proposal and, *"should the Commission consider the self-regulatory approach proposed by the industry as unsatisfactory, it would then launch an impact assessment to review further available options"*.

As representative associations of the European alcoholic beverages sectors, we understand our responsibility to come forward with a meaningful voluntary solution. As acknowledged by the Commission in its report, a number of concerted or independent voluntary initiatives have been developed and implemented by the actors of the different sectors. We welcome the decision of the European Commission to invite the sectors to come up with a self-regulation scheme. With Recital 40 of FIC Regulation (EU) 1169/2011 recognising *"the specific nature of alcoholic beverages*" the Commission offers our sectors an opportunity to identify best-adapted solutions that would fit both consumers' needs and our sectors' characteristics.

Since March 2017 we have been engaged in a constructive dialogue to respond to the invitation by the Commission, in full knowledge of the complexity of finding a common response. However, we fully embraced the responsibility being placed upon our sectors and actively explored the ways to respond to consumers' expectations while preserving the competitiveness of our respective economic operators.

By developing this joint proposal, we aim at reiterating our commitment to providing consumers with relevant, clear and easy to understand information, improving their knowledge about our products, and empowering them to make informed decisions on the products they choose to consume within a balanced lifestyle.

This joint proposal sets the common consistent guiding principles of our common self-regulatory commitment and should be read together with the sector-specific annexes for beer, cider, spirits and wine that accompany it and further address concretely the process and modalities for implementation of our commitment by each individual sector. The annexes are under the sole responsibility of each sector.



Context

Current mandatory rules on the provision of nutrition and ingredients information for food products were approved in 2011 and apply since 2016 and 2014 respectively (5-year and 3-year transition periods respectively were introduced to give enough time for producers to align with the new rules).

The signatories of this proposal will therefore also set up an appropriate timeframe for the implementation of the proposal and the regular monitoring of its roll-out, recognising in particular the majority of small and micro operators within our sectors.

Recital 51 of Regulation (EU) 1169/2011 states that *"food information rules should be able to adapt to a rapidly changing social, economic and technological environment"*. Since the adoption of the Regulation, information and communication technologies have become vastly more accessible and widespread. In this framework we are therefore also using this opportunity to explore and develop, in addition to product labels, at European Union, national and company level, new approaches for providing consumers with valuable information about the products they consume.

We take note that alternative supports to provide information to consumers are already in use on many consumer goods[1].

[1] In the US, and nowadays in Canada, the Smart Label initiative offers detailed product information through a digital format about a wide range of products, including foods and beverages.
Very small-sized packaged or consumer goods such as telecommunication devices in Canada, the US, Australia, Japan, the United Arab Emirates, and Costa Rica. In the EU, it is common for users of electronic devices to be directed to a website for instructions for use.

As a means of delivering the information to different consumers, the sectors are therefore determined to also explore the use of new technologies that can help consumers to consult detailed, tailored and up-to-date information that meets their needs in the best possible way. Furthermore, the implementation of new and alternative means of delivering information to consumers helps to ensure a high degree of adaptability for economic operators, providing them with a flexibility that could particularly help reduce the burden for SMEs, which are numerous and predominant across our sectors.

Regulation (EU) 1169/2011 details:

- what constitutes an ingredient (although interpretation by food business operators may be needed at certain stages), how ingredients information is to be provided to consumers and a list of exceptional cases regarding the communication of food ingredients (articles 18 to 22 and the relevant Annexes, as well as Article 2);
- how the nutrition information is to be provided to consumers (articles 30 to 35 and the relevant Annexes). With regards to the nutrition declaration for alcoholic beverages of more than 1.2%, Regulation (EU) 1169/2011 allows for either the energy value only or the full nutrition declaration (Article 30.4) to be provided.

In line with the above, the self-regulatory proposal, while abiding to the legal framework laid down in Regulation 1169/2011, will enrich the food information to consumers' environment by going beyond the current legislative framework.

Our commitment

1. Alcoholic beverages are currently exempted from providing ingredients and nutrition information. The European alcoholic beverages sectors are committing to providing the nutrition information and the list of ingredients of their products in tailored and meaningful ways.
2. The nutrition information and the list of ingredients of our products will be provided to consumers off-label and/or on label where information provided off-label will be easily accessible from the label itself, either by a web-link, a QR code, a bar code or through other direct means using smart technologies.
3. The sectors will use traditional and/or innovative tools and may develop comprehensive modern information systems to provide useful information to consumers.
4. Food business operators responsible for the food information will decide how to display the information.
5. The information, while abiding to the legal framework laid down in EU or national legislations, will be provided in line with the principles set in this joint proposal and the sectors' annexes.
6. We will report on implementation in March 2021. Within the first two years, sectors will report on the progress of their commitments, in accordance with the information provided in the governance section and the sector annexes.

Details on the communication of the nutrition information

When informing consumers about the nutrition information, food business operators responsible for the food information may limit the declaration to the energy value only, as allowed by Article 30.4 of Regulation (EU) 1169/2011.

The energy value or the full nutrition declaration will be provided in line with requirements set out in Regulation (EU) 1169/2011, which lays down that this should be provided per 100ml but also allows the possibility to additionally provide the information per portion. Food business operators responsible for food information will be able to complement the information based on the 100ml volume with the energy value or the full nutrition declaration of the drink on the basis of a portion (e.g a typical serving size, the serving equivalent of an alcohol unit possibly linked to drinking guidelines or when it is a single serve container) and potentially in combination with information on an overall balanced diet and healthy lifestyles. Online offers greater

opportunities and flexibility to both minimise the operational burden on operators, in particular SMEs, and put information into a broader context for interested consumers. Guidelines and recommendations regarding this complementary information may be found in the sectoral annexes.

While food business operators responsible for food information will be able to communicate the nutrition information (energy value only or the full nutrition declaration) on the basis of the analysis they will carry out, this information may also be communicated on the basis of the generally established and accepted data, as set in Article 31 of Regulation (EU) 1169/2011. The structure of the sectors and the changing nature of some of the products may make it necessary to establish, at EU level, per sector, and for each relevant sub-category of drink, generally established and accepted data. Using generally accepted data would allow consumers to be informed on the basis of reliable data while ensuring that it will not add a further operational burden on operators, in particulars SMEs.

Finally, and considering article 34.4 of Regulation (EU) 1169/2011, our sectors may take up the opportunity offered by the Regulation to present the energy value or the nutritional declaration in a format other than the tabular one. Where permissible and appropriate, we may also favour the use of internationally-recognised symbols, such as the "E" for energy, in order to be language-neutral where possible, whilst still easily understood by consumers.

Details on the communication of the list of ingredients

The list of ingredients should be provided abiding by EU 1169/2011 and EU vertical regulations.

Regulation (EU) 1169/2011 provides the general definitions of processing aids and food additives and its article 20 states that certain food additives or food enzymes used as processing aids shall not be required to be included in the list of ingredients. The sectors will take into account these legal provisions, as well as the others dealing with ingredients information in Regulation (EU) 1169/2011, when defining the modalities for providing to consumers the list of ingredients.

Our products' and sector structures' characteristics and the different regulatory frameworks applying to them necessitate concrete and detailed approaches by sector regarding the precise modalities for the communication of the list of ingredients.

Guidelines and precise modalities for the communication of the list of ingredients on the basis of the relevant definitions and references can be found in the sector-specific annexes.

Governance of the voluntary commitment[2]

Participants, consultations and validation

The participants are the federations representing producers of beer, cider, spirits and wine in the EU:

1. AICV
2. The Brewers of Europe
3. Comité Européen des Entreprises Vins - CEEV
4. CEVI
5. COPA COGECA
6. EFOW
7. spiritsEUROPE

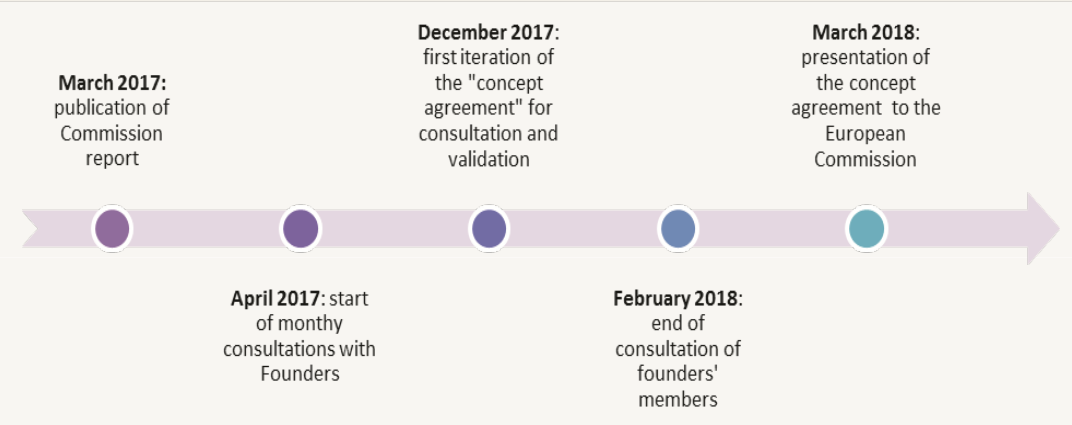
To meet the Commission's challenge, the participants met in a working group during 2017 and early 2018. The working group's objective was to establish an initial blueprint or "concept agreement" to be then submitted to the respective federation's membership.

In order to design a suitable and acceptable proposal, the participants invited as observers, throughout the development phase of the proposal three additional federations' representatives in the retail and on-trade sectors to join the working group meetings:

1. EUROCOMMERCE
2. ETRC
3. HOTREC

Given the relative importance of non-EU alcoholic beverages sold in the EU market, and considering that 3rd countries' alcoholic beverages producers are not directly represented by the participants undertaking this commitment, 3rd country producers have been kept informed of the discussions and, when appropriate, consulted through the international organisations FIVS, World Spirits Alliance and the Worldwide Brewing Alliance.

Due to the inherent pyramidal structure of European federations, each participant consulted with its respective membership on a draft "concept agreement" in order to validate the "horizontal" part of this offer. Each sector then developed and approved the sector specific annexes independently.



2. The offer presented in this document constitutes a voluntary commitment by the Participants. The governance agreement was inspired by the "*Principles For Better Self and Co Regulation*".

Good faith, dissemination and implementation

All the participants are committing to the success of the initiative. The sector specific sections will be under the sole responsibility of the respective sector participant for dissemination, implementation, and reporting of their voluntary commitment.

Further information on how each sector will support its members can be found in the annexes. These include information on each sector's implementation guidelines, support to SMEs, generally established and accepted data, and sector specific communication and dissemination platforms.

With the assistance of the European federations participating, their direct members will communicate to their own local companies and entities the content of the offer and coordinate its implementation nationally. Periodical internal reviews will be undertaken by each sector organisation.

We will also keep international third parties informed and, as appropriate, make available guidelines for organisations representing non-EU producers exporting their products to the EU market.

Governance

To follow up on the implementation and reporting of the commitment, the participants will nominate representatives to participate in a "Steering Group". The Steering Group's mission is to be the collective representation and interlocutor of the common elements of the voluntary commitment towards the European Commission, other decision makers and other interested stakeholders while each participant remains responsible for questions related to implementation of their respective sector annex.

- The Steering Group will meet twice a year to review progress on the dissemination and implementation of the initiative by each sector.
- The Steering Group will share best practice and iterative improvements made to the implementation of the voluntary commitment by each sector.
- The Steering Group will coordinate the relevant elements for the monitoring and evaluation of the initiative.
- The chairmanship and hosting of the steering group will rotate among the participants. Third parties and experts may be invited to contribute to the discussions.

Participants may do representation of their own sector's interests separately, but should not imply they represent the Steering Group, unless they are mandated to do so.

Resolving disagreement

Each sector that will develop specific information display mechanisms will ensure that its mechanism allows for an in-built reporting/complaints mechanism. The modalities will be detailed in the sector annexes.

The reception, acknowledgement, treatment and redress following complaints will be assessed on a case by case basis depending on the nature of the complaint (technical or content based).

Each sector federation that developed a specific information display mechanism commits to reviewing and addressing complaints in a timely manner.

The assessment of structural issues that may arise, will be assessed at the Steering Group meetings.

Financing

Each sector commits individually to provide the financial means for the optimum delivery of its sectoral commitment.

Each sector remains responsible financially for the development and implementation of its sector specific commitment, and for the monitoring and evaluation of its own sector's initiative.

The Steering Group itself will run at no cost but the man/hour/day dedicated by each organisation.

If consensually agreed by its members, the Steering Group may engage in expenses linked to the implementation of the general commitment and governance of this self-regulation initiative under explicit agreement of each EU federation participant and agreed criteria for the sharing of expenses and responsibilities.

Iterative improvements

Upon collection of quantitative and qualitative feedback in the interim sector reports, the steering group will review the workability of the offer in light of regulatory and practical challenges to ensure the efficient implementation of the commitment. Technical advances and new available options will also be taken into consideration to assess the suitability, and coverage of the provision of ingredient and nutritional information to consumers.

Monitoring and reporting

The monitoring and evaluation of the initiative will cover the uptake of the voluntary commitment itself, as well as an evaluation of its dissemination process and governance.

The determination of possible common quantitative and qualitative metrics and methodology for the March 2021 reporting will be undertaken by the Steering Group. Input from the European Commission and/or external third parties may be sought to ensure the reporting methodology and metrics are suitable.

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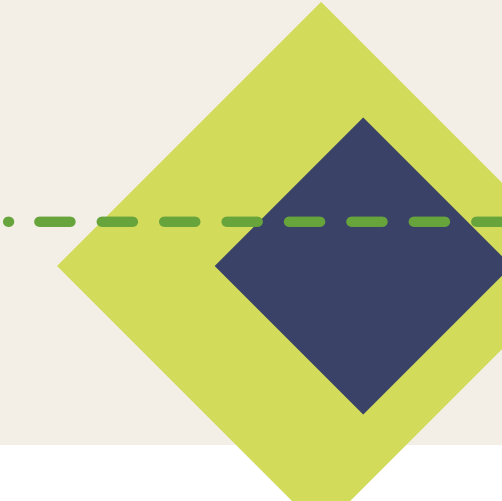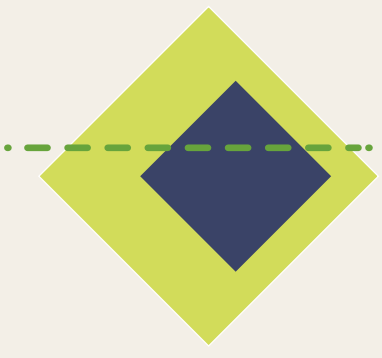
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