

Commission publishes draft rules on country of origin/place of provenance indications for primary ingredients

Article By:

Brian Kelly

On 4 January 2018, the European Commission published a [draft implementing regulation](#) laying down rules for the application of Article 26(3) of Regulation (EU) N° 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (“**FIC**”), as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food where different to that given for that food (hereafter “**Draft Implementing Regulation**”).

Permitted Indications

Article 2 of the Draft Implementing Regulation supplements Article 26(3) of the FIC and sets out different options of indicating the country of origin or the place of provenance of a primary ingredient which is not the same as the given country of origin or the given place of provenance of the food. The options include:

- A simple indication of “EU”, “non-EU” or “EU and non-EU”;
- Member State(s) or third country(ies);
- The country of origin or place of provenance in accordance with specific Union
- provisions applicable for the primary ingredient(s) as such;
- Regions or any other geographical area within Member State(s)/third country(ies);
- FAO fishing areas, sea or freshwater body.

In relation to the last two options, these need to be either defined as such under public international law or well understood by normally informed average consumers. Food business operators (FBOs) also have the option to inform consumers by using the following or similar statement: “*(name of the primary ingredient) do/does not originate from (the country of origin or the place of provenance of the food)*”.

Presentation Requirements

Additionally, Article 3 lays down presentation requirements for the country of origin or the place of provenance indications and provides that the font size shall not be smaller than the minimum font size under FIC (currently 1.2 mm x-height or 0.9 mm x-height for small packages with the largest surface area of less than 80 cm²). Furthermore, if FBOs choose to provide this indication in words, then the font size needs to be at least 75% of the x-height of the indication of the country of origin or the place of provenance of the food. Indications given in a non-scriptural form shall appear in the same field of vision as the indication of the country of origin or the place of provenance of the food.

Scope and Date of Application

The Draft Implementing Regulation does not apply to protected geographical indications and registered trademarks. Stakeholders have four weeks to provide their views on the Draft Implementing Regulation and the feedback period ends on 1 February 2018. The Draft Implementing Regulation shall apply from 1 April 2019 and the transitional measures allow for foods placed on the market or labelled prior to 1 April 2019 to be marketed until the stocks are exhausted.

Lucie Klabackova contributed to this post.

© 2025 Covington & Burling LLP

National Law Review, Volume VIII, Number 9

Source URL: <https://natlawreview.com/article/commission-publishes-draft-rules-country-originplace-provenance-indications-primary>