EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 115

Communication from the Commission - TRIS/(2025) 2490

Directive (EU) 2015/1535

Notification: 2025/0283/RO

Forwarding of a detailed opinion received by a Member State (Italy) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 10-12-2025.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 10-12-2025. - Prolonge le délai de statu quo jusqu'au 10-12-2025.- Die Laufzeit des Status quo wird verlängert bis 10-12-2025.- Удължаване на крайния срок на статуквото до 10-12-2025. - Prodlužuje lhůtu současného stavu do 10-12-2025. - Fristen for status quo forlænges til 10-12-2025. - Παρατείνει την προθεσμία του status quo 10-12-2025. - Amplía el plazo de statu quo hasta 10-12-2025. - Praeguse olukorra tähtaega pikendatakse kuni 10-12-2025. - Jatkaa status quon määräaikaa 10-12-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 10-12-2025. - Meghosszabbítja a korábbi állapot határidejét 10-12-2025-ig. - Proroga il termine dello status quo fino al 10-12-2025. - Status quo terminas pratęsiamas iki 10-12-2025. - Pagarina “status quo” laika periodu līdz 10-12-2025. - Jestendi t-terminu tal-istatus quo sa 10-12-2025. - De status-quoperiode wordt verlengd tot 10-12-2025. - Przedłużenie status quo do 10-12-2025. - Prolonga o prazo do statu quo até 10-12-2025. - Prelungește termenul status quo-ului până la 10-12-2025. - Predlžuje sa lehota súčasného stavu do 10-12-2025. - Podaljša rok nespremenjenega stanja do 10-12-2025. - Förlänger tiden för status quo fram till 10-12-2025.

The Commission received this detailed opinion on the 09-09-2025. - La Commission a reçu cet avis circonstancié le 09-09-2025. - Die Kommission hat diese ausführliche Stellungnahme am 09-09-2025 empfangen. - Комисията получи настоящото подробно становище относно 09-09-2025. - Komise obdržela toto podrobné stanovisko dne 09-09-2025. - Kommissionen modtog denne udførlige udtalelse den 09-09-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 09-09-2025. - La Comisión recibió el dictamen circunstanciado el 09-09-2025. - Komisjon sai üksikasjaliku arvamuse 09-09-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 09-09-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 09-09-2025. - A Bizottság 09-09-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 09-09-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 09-09-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 09-09-2025. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-09-09-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 09-09-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 09-09-2025. - A Comissão recebeu o presente parecer circunstanciado em 09-09-2025. - Comisia a primit avizul detaliat privind 09-09-2025. - Komisia dostala toto podrobné stanovisko dňa 09-09-2025. - Komisija je to podrobno mnenje prejela dne 09-09-2025. - Kommissionen mottog detta detaljerade yttrande om 09-09-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 09-09-2025.

MSG: 20252490.EN

1. MSG 115 IND 2025 0283 RO EN 10-12-2025 09-09-2025 IT DO 6.2(2) 10-12-2025

2. Italy

3A. Ministero delle Imprese e del Made in Italy
Dipartimento Mercato e Tutela

Direzione Generale Consumatori e Mercato
Divisione II - Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi
00187 Roma - Via Molise, 2

3B. Ministero delle Imprese e del Made in Italy
Ministero della Salute
Ministero dell'Agricoltura, della Sovranità Alimentare e delle Foreste

4. 2025/0283/RO - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. article 6, paragraph 2, second indent of Directive (EU) 2015/1535

6. Following the examination of the “Decision approving the use of the NUTRI-SCORE nutritional labelling system”, corresponding to notification 2025/0283/RO, by the competent Italian Ministries (Ministry of Health, Ministry of Enterprises and Made in Italy and Ministry of Agriculture, Food Sovereignty and Forests), Italy issues the following detailed opinion.
Italy considers necessary to re-propose a series of technical legal findings related to the use of the “Nutri-Score” logo that have already been represented in the past, but which, in Italy’s view, have not received exhaustive answers either from the countries that previously notified the use of the logo, nor from the Commission’s legal services.
Italy would be grateful to Romania if it would clarify the following critical issues in a timely manner.

1. System characteristics
In the notification message for project No 2025/0283/RO, Romania identifies Article 23 of Regulation 1924/2006/EC as the reference legislation supporting the system.
It is considered useful to reproduce the text of the article
Article 23
Notification procedures
1. If a Member State considers it necessary to adopt new legislation, it shall notify the Commission and the other Member States of the envisaged measures and give the reasons justifying them.
2. The Commission shall consult the Standing Committee on the Food Chain and Animal Health instituted by Article 58(1) of Regulation (EC) No 178/2002 (hereinafter referred to as the Committee) if it considers such consultation to be useful or if a Member State so requests, and shall give an opinion on the envisaged measures.
3. The Member State concerned may take the amended measures six months after the notification referred to in paragraph 1, provided that the Commission's opinion is not negative.
If the Commission's opinion is negative, it shall determine, in accordance with the procedures referred to in Article 24(2) and before the expiry of the period referred to in the first sub-paragraph of this paragraph, while the amended measures may be implemented. The Commission may require certain amendments to be made to the envisaged measure.
Recalling Article 23 necessarily involves consultation by the Commission of the “Standing Committee on the Food Chain and Animal Health, established by Article 58(1) of Regulation (EC) No 178/2002”
Italy is not aware of the activation of the committee referred to in Article 23. Whenever Italy has been asked to indicate at which meeting of the committee the Nutri-Score has been discussed, no Member State has been able to respond. Even the Commission itself never intervened on this point.
We would therefore like to know the date on which the Commission started consultations with the Member States through the Standing Committee on the Food Chain and Animal Health, established by Article 58(1) of Regulation (EC) No 178/2002.
The notifying Member State should have waited for the Commission’s opinion after the consultation.
Italy is not aware of any opinions issued by the Commission.
The Romanian authorities are therefore asked for a copy of the Commission's opinion.
In the opinion of Italy, under the current legislation, the Nutri-Score system is a generic indication that could only be acceptable if accompanied by a specific health indication that has already been approved.
Article 10 of Regulation (EC) No 1924/2006 states in paragraph 3 that: “Reference to general, non-specific benefits of the nutrient or food for overall good health or health-related well-being may only be made if accompanied by a specific

health claim included in the lists provided for in Article 13 or 14.”.
Based on Article 10 of Regulation (EC) No 1924/2006, in general, health claims are prohibited. Only those that are in compliance with the general and special regulations are permitted, as well as those that have also obtained authorisation in accordance with community provisions and, finally, are included on the list of authorised claims.
In this regard, it is important to emphasize that authorisation for health claims pertain to the European Commission, which decides based on the opinions expressed by the European Food Safety Authority (EFSA), which examines and verifies the validity of the scientific evidence supporting the claims that commercial operators want to use. It is clear that claims which do not meet the criteria set out above are imperatively prohibited.
Nevertheless, it is noted that for nutrition and health claims there is a legal requirement for the presence on the labelling or, in the absence of labelling, in the presentation and advertising, of a statement relating to:
• the importance of a complete and balanced diet and a healthy lifestyle,
• the quantity of the food and the way in which it should be consumed in order to achieve the desired beneficial effect.
If it is understood correctly, it will therefore be necessary to make consumers understand that if the same symbol appears in a green colour (light green and dark green) it must be considered a beneficial nutrition claim, without the need to specify whether it refers to the energy value or to any given nutrient: low calorie, reduced calorie, low fat, low sugar, low sodium, etc.
As such, it could happen that those looking for low-sodium products may end up buying a food whose claim (the green colour) refers instead to a low-sugar intake.
In reality, such a system should not be able to fall within the definition of “nutrition claim” under Article 2(4) of Regulation (EC) No 1924/2006.
In fact, the algorithm used and the resulting value do not make it possible to highlight to the consumer if that individual food is characterised by:
- a reduced or increased intake or,
- a non-intake of energy (caloric value) and/or
- containing in reduced or increased proportions, or
- containing no other nutrients.
but only that it does not create any health problems.
The consumer will therefore be led to believe that, regardless of their dietary needs, the product is preferable to others in the same category with an encouraging effect on consumption.
On the contrary, any colour other than green summarises the nutritional value of the food as a whole and is seen as a sign of danger (as the colour red is universally seen) to the consumer, without clearly identifying the reason (energy value? salt? sugar? fat?).
Compatibility with the provisions of Regulation No 1169/2011/EU
In the project notification message No 2025/0283/RO, Romania also identifies Articles 40, 43, 44 and 45 of Regulation 1169/2011/EU as reference legislation supporting the system. However, the text only refers to Article 36 of the same regulation.
The failure to refer to Article 35 is welcomed, although it is in fact the only source of legislation, under current law, regulating additional forms of expression and presentation.
On the other hand, it could not have been otherwise, since it had been excluded by the Commission itself, already in 2017, with the Communication from the Commission – TRIS (2017) 01957 and subsequently with the report COM(2020) 207 final; in reality, Article 35 had been invoked in previous notifications from other Member States without any intervention by the Commission.
Nevertheless, Italy asks the Romanian authorities to clarify the reason for the references to Articles 40, 43 and 44.
With regard to the reference to Article 45, the Commission's legal services are also asked at which meeting the Commission consulted the committee, referred to in the same article, on the notified draft.
As already mentioned, Article 36 of Regulation 1169/2011/EU is referred to in the articles.
With regard to the reference to Article 36, Italy should reiterate what has already been stated above and hope to receive some clarification in this regard.
Compatibility with the provisions of Article 36 of Regulation (EU) No 1169/2011
In its report COM(2020) 207 final of 20 May 2020, the Commission stated, in so far as it concerns the systems which do not fall within the scope of Article 35, such as Nutri-Score, that ‘Such schemes are considered as 'voluntary information' under Article 36 of the FIC Regulation which shall not mislead the consumer, not be ambiguous or confusing for the

consumer and shall, where appropriate, be based on the relevant scientific data. At the same time, when such a scheme attributes an overall positive message (for example through a green colour), it also fulfils the legal definition of a "nutrition claim" as it provides information on the beneficial nutritional quality of a food as defined in Regulation (EC) No 1924/2006 on nutrition and health claims made on foods' but also that 'FOP schemes falling in the scope of the Claims Regulation can only be used in the territory of a Member State if they have been adopted by the Member State in question in accordance with Article 23 of the Claims Regulation outlining the notification procedure to the Commission.'
In that regard, Italy does not agree that the Nutri-Score system, when it is coloured orange and red, falls within the forms of voluntary expression referred to in Article 36 of Regulation No 1169/2011, since it is considered clear that the first paragraph of Article 35 constitutes the only way to submit voluntary forms additional to the nutrition declaration which the Member States may recommend, if they consider that the requirements laid down by that provision are met.
On the contrary, Article 36 is addressed to economic operators who, at their own discretion, may provide the consumer with voluntary information on the elements referred to in Articles 9 and 10 of the Regulation, notwithstanding any recommendations of the Member States assessing their scientific basis.
The provisions of Article 35(1) assume in fact the characteristics of a real exception to the general principle that envisages, as the mode of presentation of the nutrition declaration, the use of the tabular form indicated in the Regulation and annexes of reference.
As any exception, even this cannot be applied by analogy to cases other than those specifically indicated in the text of the law, nor even interpreted extensively beyond the formal and literal meaning, and expressed in the article of reference.
The application of Article 36 in fact draws on the already-harmonised provisions where it states that 'Where food information referred to in Articles 9 and 10 is provided on a voluntary basis, such information shall comply with the requirements laid down in Sections 2 and 3 of Chapter IV.'.
In the opinion of Italy, Article 36(1) must be interpreted as meaning that, with reference to the information referred to in the exhaustive list from Articles 9 and 10 of the regulation, voluntary information may be provided only if the food in question is exempted from the obligation to provide such information and with the recommendation that it complies with the requirements set out in Sections 2 and 3 of Chapter IV.
The list of mandatory claims in Article 9(1)(l) contains the nutrition declaration.
However, with reference precisely to this information, the European legislator has decided, under the provisions of Article 35, to allow for voluntary forms of expression relating to the energy value and quantity of nutrients.
This clearly points to the intention to regulate and harmonise the criteria and methods for adopting voluntary information relating to the claim of the nutritional table provided for in Article 9.
In conclusion, it is believed that any additional forms of expression of the energy value and quantities of nutrients must necessarily fall within the scope of Article 35, and are therefore excluded from the voluntary claims provided for operators by Article 36.
Italy has always believed that if this were not the case, food business operators would always have the possibility to voluntarily integrate all the harmonised indications provided for by the regulation by simply referring to Article 36.
It concludes by asking the Romanian authorities for clarification on the wording of Article 2 of the notified draft, in particular on the point specifying that operators may use the Nutri-Score logo "with the obligation to ensure that consumers are fully, correctly and accurately informed about the nutritional values of the products covered by these special claims".
Does this obligation mean that the logo alone does not guarantee that consumers are fully informed about nutritional values?
If so, what will the manufacturer have to additionally indicate on the label to ensure the correct information if they decide to use the Nutri-Score?

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