

Brussels, 15 May 2017

CEEV COMMENTS ON TRIS NOTIFICATION 2017/135/I –

Draft legislative decree laying down rules for the mandatory indication of the name and address of the production facility or, if different, of the packing facility on labels, in accordance with Article 5 of Law No 170 of 12 August 2016 – European Delegation Law 2015

By way of introduction, **the Comité Européen des Entreprises Vins (CEEV – www.ceev.eu)** represents the wine companies in the industry and trade in the European Union for still wines, sparkling wines, liqueur wines, aromatised wines, and other vine products. It brings together 24 national organisations. Its members produce and market the vast majority of quality European wines, with and without geographical indication, and account for over 90% of European wine exports.

The wine industry operates throughout the European Union and benefits greatly from the ability to move goods between Member States with few barriers to trade. However, we would like to raise our concerns regarding the draft decree mentioned above, recently notified by the Italian authorities.

On 30 March 2017, the Italian Government notified this draft legislative decree, laying down rules for the mandatory indication of the name and address of the production facility or, if different, of the packing facility on labels.

This draft decree:

- Requires the indication of the production facility or, if different, of the packing facility for pre-packaged food products intended for the final consumer or for mass caterers;
- The name of the production facility or, if different, of the packing facility is identified by the locality and by the address of the facility.
- Foresees a mutual recognition clause: it shall not apply to pre-packaged food products from another Member State of the EU or from Turkey, or to products from a Member State of the European Free Trade Agreement (EFTA), or signatory to the European Economic Area (EEA) agreement.

Most of the wine products covered by the Regulation (EU) 1308/2013 on Common Market Organization rule are out of the scope of the Italian decree. However, those of annex VII, part II, points 12 and 14, together with all aromatized wines and wine-based products, defined in Regulation (EU) 251/2014 would fall in the field of application of the new decree.

The main justification given by the Italian authorities for the draft decree is to improve food's traceability. This will facilitate the task of control authorities and ensure a more effective protection of consumers' health. Albeit Comité Européen des Entreprises Vins understands the rationales given by Italy, we think that this decree would impact negatively the Italian Aromatised wine products sector, as it is likely that it will pose significant costs and burdens on national operators.

Concerns:

One of the issues with the draft decree is that it goes beyond the requirements of the Food Information to Consumers Regulation (1169/2011), even though Article 9(1)(h) of this regulation already requires indicating the name or the business name and the address of the responsible operator. Indeed, all EU foodstuffs are already required to include, among other things, the following information on their labels:

- The name and address of the food business operator, in order to show who is legally responsible for the product; and
- A specific requirement to protect consumers and facilitate any product recalls that may be required, such as the lot code.

Even though we understand the aim of protecting consumers, we do not think that adding national provisions to

explicitly state the place of production will improve the effectiveness of the EU's existing rules. The current rules under EU regulation 1169/2011 work well in ensuring all parties are informed on this aspect. A second address on the label could undermine EU provisions and create confusion, for both consumers and control authorities, as to who is actually responsible for the foodstuff.

The new rules would also add costs for Italian producers wishing to sell in Italy and we do not see why Italian operators should suffer an additional burden, having to create new sets of labels, while the EU regulation already provides requirements ensuring an effective protection of consumers' health. Additional costs and logistics complexities will impact the EU internal market. That can hardly make sense when the whole objective of the internal market is to remove barriers to free movement between Member States.

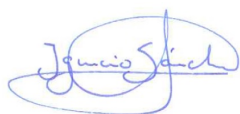
Producers from countries outside the EU/EEA/EFTA and Turkey who wish to sell in Italy would be impacted as well. The requirement for them to create new labels uniquely for the Italian market would mean different sets of labels would be needed where only one was sufficient. It is extremely difficult to see any valid reason for requiring third country producers to declare the place of manufacture only when they sell in Italy while products coming from EU countries are not subject to the same requirements. Third country authorities might suppose there is facilitation towards EU partners and it could lead to third countries importing first to EU countries, before dispatching goods in Italy by thanks to a EU operator.

Moreover, the proposed measure, if implemented, would also set a very unwelcome precedent; it would become administratively nightmarish to trade in the EU if all 28 Member States required national and 3rd country producers to include the place of production on the label.

It also seems to us that the timeframe given for the implementation of the new decree (once in force) is very short. Whenever new labelling requirements are introduced, producers need time to exhaust their current label and package stocks and print new ones. When the EU's FIC regulation was introduced, there was a 3-year general transition period and a 5-year one for nutrition labelling. According to the Italian proposal, producers will have only 6 months to comply with the proposed new provision. That is entirely unreasonable and would result in huge wastage from invalid labels and other packaging materials.

We very much hope that a Detailed Opinion will be submitted opposing this unnecessary labelling proposal and that the Italian authorities will take our comments into consideration with a view to seeking the removal of the foreseen requirements that will be a heavy burden for Italian operators and will confuse consumers.

Yours sincerely,



Dr Ignacio Sánchez Recarte
Secretary General