1. ------IND- 2018 0496 B-- EN- ------ 20200214 --- --- FINAL

**DRAFT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | |  | | The Kingdom of Belgium |
|  | |  | | \_\_\_\_\_\_\_\_\_ |
|  | |  | |  |
|  | |  | | **FEDERAL PUBLIC SERVICE FOR PUBLIC HEALTH, FOOD CHAIN SAFETY AND ENVIRONMENT** |
|  | |  | | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | |  | |  |
|  | |  | | **Royal Decree on the use of the Nutri-Score logo** |
|  | |  | |  |
|  | |  | | **PHILIPPE, King of the Belgians,** |
|  | |  | |  |
|  | |  | | To all those present and to come, Greetings. |
|  | |  | | Having regard to 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, Articles 36 and 38; |
|  | |  | | Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, Articles 8 and 23; |
|  | |  | | Having regard to Article 2(1)(2) of the Law of 24 January 1977 on consumer protection with regard to foodstuffs and other products; |
|  | |  | | Having regard to the opinion of the Finance Inspector, given on 29 November 2018;  Having regard to the opinion of the advisory council on food policy and the utilisation of other consumer goods, given on 26 February 2019; |
|  |  | |
|  | |  | | Having regard to request 65046/3 for an opinion to be issued within 30 days, sent to the Council of State on 18 December 2018 pursuant to Article 84.1.1.2 of the Council of State laws, consolidated on 12 January 1973;  As no opinion was notified within this period;  Having regard to Article 84.4.2 of the Council of State laws, coordinated on 12 January 1973; |
|  | |  | | Having regard to the communication to the European Commission of 28 September 2018 pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services; |
|  | |  | | Following a proposal by the Minister for Public Health, |
|  | |  | | We have decreed and hereby decree: |
|  | |  | | **Article 1**  This decree establishes the rules relating to the use of the Nutri-Score logo, which has been registered at European level with EUIPO (the European Union Intellectual Property Office), and sets the conditions for its use. The Nutri-Score is a voluntary nutritional logo for foods. |
|  | |  | | **Article 2** 1. The Nutri-Score logo must be used in accordance with the procedures laid down in the specifications in the Annex to this decree.    2. When food business operators undertake to use Nutri-Score for one or more of their own brands, this undertaking must apply to all the foodstuffs they place on the Belgian market under the brand(s) concerned.  **Article 3** This decree shall enter into force on the day of its publication in the *Moniteur belge*. |
|  | |  | | **Article 4** The Minister for Public Health shall be responsible for the implementation of this decree.  Brussels, 1 March 2019 |
|  | |  | | By the King: |
|  | |  | | The Minister for Public Health, |
|  | |  | |  |
|  | |  | |  |
|  | |  | |  |
|  | |  | |  |
|  | |  | |  |
|  | |  | |  |
| Maggie De Block | | | | | |

**Annex to the Royal Decree on the use of the Nutri-Score logo**

**SPECIFICATIONS**

To establish the food rating, food business operators shall comply with the following calculation rules, which should be successively implemented:

- calculation of the food’s nutritional score;

- the food’s rating on the five-colour nutritional scale, based on the calculated score.

**1) Calculation of the nutritional score of foods**

This score is calculated in the same way for all foods, with the exception of cheeses, vegetable or animal fats and oils, and beverages. For these food categories, the adaptations mentioned in section 1-b must be taken into account.

**1a General case**

The nutritional score of foods is based on the calculation of a unique, overall score which, for each food, contains:

- a ‘negative’ N component;

- a ‘positive’ P component.

The N component of the score takes into account the nutritional elements which should be limited in their intake, such as energy value (calorie intake in kJ per 100 g), saturated fatty acids, sugar content (in g per 100 g) and salt content (in mg per 100 g). Its value corresponds to the sum of the points attributed, from 1 to 10, according to the nutritional composition of the food in question (cf. table 1). The score for the N component can range from 0 to 40.

Table 1. - Points attributed to each of the elements in the ‘negative’ N component

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Points | Energy  (kJ/100 g) | Saturated fatty acids  (g/100 g) | Sugars  (g/100 g) | Sodium (1)  (mg/100 g) |
| 0 | ≤ 335 | ≤ 1 | ≤ 4.5 | ≤ 90 |  |
| 1 | > 335 | > 1 | > 4.5 | > 90 |  |
| 2 | > 670 | > 2 | > 9 | > 180 |  |
| 3 | > 1005 | > 3 | > 13.5 | > 270 |  |
| 4 | > 1 340 | > 4 | > 18 | > 360 |  |
| 5 | > 1 675 | > 5 | > 22.5 | > 450 |  |
| 6 | > 2 010 | > 6 | > 27 | > 540 |  |
| 7 | > 2 345 | > 7 | > 31 | > 630 |  |
| 8 | > 2 680 | > 8 | > 36 | > 720 |  |
| 9 | > 3 015 | > 9 | > 40 | > 810 |  |
| 10 | > 3 350 | > 10 | > 45 | > 900 |  |

(1) The sodium content corresponds to the salt content mentioned in the mandatory declaration, divided by 2.5.

The P component is calculated according to the fruit and vegetable, legume and nut content of the food and the vitamins they contain, as well as the fibre and protein content (expressed in g per 100 g). For each of these elements, points ranging from 1 to 5 are attributed depending on how much is contained in the food (see Table 2). The positive P component of the nutritional score corresponds to the sum of the points for these three elements: this score will therefore range from 0 to 15.

Table 2 - Points attributed to each of the nutrients in the ‘positive’ P component

|  |  |  |  |
| --- | --- | --- | --- |
| Points | Fruit and vegetables, legumes and nuts  (g/100 g) | Fibre  (g/100 g)  AOAC method | Protein  (g/100 g) |
| 0 | ≤ 40 | ≤ 0.9 | ≤ 1.6 |  |
| 1 | > 40 | > 0.9 | > 1.6 |  |
| 2 | > 60 | > 1.9 | > 3.2 |  |
| 3 | - | > 2.8 | > 4.8 |  |
| 4 | - | > 3.7 | > 6.4 |  |
| 5 | > 80 | > 4.7 | > 8.0 |  |

*- Calculation of the nutritional score:*

The final nutritional score is calculated by subtracting the positive P component score from the negative N component score, subject to certain conditions described below.

Nutritional score = Total N Points - Total P Points

The final nutritional score attributed to a food will therefore tend to range from a theoretical value of -15 (the most nutritionally favourable) to a theoretical value of +40 (the most nutritionally unfavourable).

*- Application of the rules:*

If the total of the N component is less than 11 points, the nutritional score shall be equal to the total of the N component points minus the total of the P component.

If the total of the N component is greater than or equal to 11 points and

* if the points for ‘fruit and vegetables’ are equal to 5, the nutritional score shall be equal to the total of the N component points minus the total of the P component.
* if the points for ‘fruit and vegetables’ are less than 5, the nutritional score shall be equal to the total of the N component points minus the sum of the points for ‘fibre’ and ‘fruit and vegetables’. The protein content is thus not taken into account in the calculation of the nutritional score in this case.

**1b Special cases**

Since the Nutri-Score is not suitable for foods intended for children from 0 to 3 years of age, it is not recommended to apply it to the products concerned.

*- Cheeses:*

The score is calculated by taking into account the protein content, regardless of whether or not the total of the N points is ≥ 11.

Nutritional score = Total N Points - Total P Points

*- Added fats and oils:*

The points table for fatty acids is calculated on the basis of saturated fatty acids/fats and oils, with the points table starting at 10% and increasing at intervals of 6%.

Table 3 - Points table for saturated fatty acids/fats and oils in the special case of added fats and oils

|  |  |
| --- | --- |
| Points | Ratio    Saturated fatty acids/fats and oils |
| 0 | < 10 |  |
| 1 | < 16 |  |
| 2 | < 22 |  |
| 3 | < 28 |  |
| 4 | < 34 |  |
| 5 | < 40 |  |
| 6 | < 46 |  |
| 7 | < 52 |  |
| 8 | < 58 |  |
| 9 | < 64 |  |
| 10 | ≥ 64 |  |

*- Beverages:*

The score for beverages is calculated using the following table:

Table 4 - Points table for beverages

|  |  |  |  |
| --- | --- | --- | --- |
| Points | Energy  (kJ/100ml) | Sugars  (g/100ml) | Fruit and vegetables  (%) |
| 0 | ≤ 0 | ≤ 0 | ≤ 40 |  |
| 1 | ≤ 30 | ≤ 1.5 |  |  |
| 2 | ≤ 60 | ≤ 3 | > 40 |  |
| 3 | ≤ 90 | ≤ 4.5 |  |  |
| 4 | ≤ 120 | ≤ 6 | > 60 |  |
| 5 | ≤ 150 | ≤ 7.5 |  |  |
| 6 | ≤ 180 | ≤ 9 |  |  |
| 7 | ≤ 210 | ≤ 10.5 |  |  |
| 8 | ≤ 240 | ≤ 12 |  |  |
| 9 | ≤ 270 | ≤ 13.5 |  |  |
| 10 | > 270 | > 13.5 | > 80 |  |

**2) Food rating on the five-level nutritional scale based on the score calculated according to Section 1**

**2a General case**

For the graphical colour representation, the thresholds are as follows:

|  |  |  |
| --- | --- | --- |
| Class | Score range | Colour |
| A | min. to -1 | Dark green |  |
| B | 0 to 2 | Light green |  |
| C | 3 to 10 | Light orange |  |
| D | 11 to 18 | Medium orange |  |
| E | 19 to max. | Dark orange |  |

**2b Special case for beverages**

In the case of beverages, the thresholds are as follows:

|  |  |  |
| --- | --- | --- |
| Class | Score range | Colour |
| A | Mineral water | Dark green |  |
| B | min. to 1 | Light green |  |
| C | 2 to 5 | Light orange |  |
| D | 6 to 9 | Medium orange |  |
| E | 10 to max. | Dark orange |  |

**3) Placement of the graphical symbol on packaging**

The graphical symbol shall be placed in the bottom third of the main visual field of the packaging.

This does not concern foods packed in packaging or containers whose largest side has a surface area of less than 25 cm².

**4) Graphical symbol and characteristics**

The Nutri-Score graphical symbol is shown below:



|  |  |
| --- | --- |
| NUTRI-SCORE | NUTRI-SCORE |

The characteristics of the logo, in particular its size and colour, are defined in the Nutri-Score collective mark’s regulations for use, provided by the FPS Public Health, Food Chain Safety and Environment.

**5) Monitoring use of the logo**

Food business operators who opt to use the logo determined by these specifications shall inform the FPS Public Health, Food Chain Safety and Environment and provide it with all of the information necessary for monitoring purposes, in a defined format.

The relevant documents are available under a dedicated tab on the Federal Public Service for Public Health, Food Chain Security and Environment website, [www.health.belgium.be](http://www.health.belgium.be).

The Federal Public Service for Public Health, Food Chain Security and Environment shall monitor the use of the logo.

To be annexed to Our Order of 1 March 2019 on the use of the Nutri-Score logo.

By the King:

The Minister for Public Health,

Maggie DE BLOCK