

Decree of XX XX 2023 laying down the complementary form of presentation of the nutrition declaration recommended by the State pursuant to Articles L. 3232-8 and R. 3232-7 of the Public Health Code

NOR: SSAPXXXX

The Minister for Health and Prevention, the Minister for Agriculture and Food Sovereignty and the Minister Delegate to the Minister for Economy, Finance and Industrial and Digital Sovereignty, responsible for small and medium-sized enterprises, trade, crafts and tourism,

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;

Having regard to 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;

Having regard to the Consumer Code, in particular Article L. 412-3 thereof;

Having regard to the French Rural and Maritime Fishing Code, in particular Article L.230-3 thereof;

Having regard to the French Public Health Code, in particular Articles L. 3232-8 and R. 3232-7 thereof;

Having regard to the opinions of the National Agency for Food, Environmental and Occupational Health Safety of 10 May 2017, 12 June 2019 and xx xx 2023;

Having regard to notification No 2023/0XXX/F addressed on XXXX to the European Commission;

Hereby decree:

Article 1

The complementary form of presentation of the nutritional declaration recommended by the State in application of articles L. 3232-8 and R. 3232-7 of the Public Health Code consists of a nutritional label determined in accordance with the procedures set out in the specifications appended to this Decree.

Its use by food manufacturers and distributors is conditional on their adherence to the rules governing the use of the Nutri-Score collective trademark and their compliance with these rules.

Article 2

The Decree of 31 October 2017 laying down the complementary form of presentation of the nutrition declaration recommended by the State pursuant to Articles L. 3232-8 and R. 3232-7 of the Public Health Code and the Decree of 30 August 2019 amending the Decree of 31 October 2017 laying down the complementary form of presentation of the nutrition declaration recommended by the State pursuant to Articles L. 3232-8 and R. 3232-7 of the Public Health Code are repealed.

Article 3

The provisions of this Decree shall come into force on 1 January 2024.

Article 4

The Minister for Health and Prevention, the Minister for Agriculture and Food Sovereignty and the Minister Delegate to the Minister for Economy, Finance and Industrial and Digital Sovereignty, responsible for small and medium-sized enterprises, trade, crafts and tourism shall each be responsible for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Done on [].

The Minister for Health and Prevention,

The Minister for Agriculture and Food Sovereignty,

Marc FESNEAU

Minister Delegate to the Minister for Economy, Finance and Industrial and Digital Sovereignty, responsible for small and medium-sized enterprises, trade, crafts and tourism,

Olivia GREGOIRE

ANNEX

SPECIFICATIONS

The scope of foodstuffs covered by the use of the Nutri-Score is specified in the rules governing the use of the Nutri-score collective trademark.

As the Nutri-Score is not adapted to certain products, it cannot be used for the following foods: sports nutrition products, infant foods for children aged 0 to 3, infant formulas and subsequent formulas, cereal formulas and baby food, foodstuffs intended for special medical purposes, total daily ration substitutes and meal replacements.

In order to establish the classification of a food product on the 5-colour nutrition scale, manufacturers and distributors must comply with the following calculation rules, which will be implemented successively:

- calculation of the foodstuff's nutrition score;
- the product's ranking on the five-colour nutrition scale, based on the calculated nutrition score.

1) Calculation of the nutrition score of the food product

The nutrition score is calculated in the same way for all food products (with specific rules for cheese and red meat), with the exception of animal and vegetable fats, nuts and seeds, and drinks. For these categories of food products, the adaptations referred to in point 1-2 must be taken into account.

1-1 General case

The nutrition score of food products is based on the calculation of a single overall score which takes into account, for each food product:

- a “negative” N component;
 - a “positive” P component.
- The N Component of the score takes into account nutritional elements whose consumption must be limited: energy, saturated fatty acids, sugars and salt. Depending on the elements, points from 0 to 20 are awarded according to the content per 100 g of the food product (see Table 1). The negative component N corresponds to the sum of these points and can therefore vary from 0 to 55.

Table 1. - Points awarded to each of the elements of the “negative” N component

Points	Energy (kJ/100 g)	Saturated fatty acids (g/100 g)	Sugars (g/100 g)	Salt (g/100 g)
0	≤ 335	≤ 1	≤ 3.4	≤ 0.2
1	> 335	> 1	> 3.4	> 0.2

2	> 670	> 2	> 6.8	> 0.4
3	> 1005	> 3	> 10	> 0.6
4	> 1340	> 4	> 14	> 0.8
5	> 1675	> 5	> 17	> 1.0
6	> 2010	> 6	> 20	> 1.2
7	> 2345	> 7	> 24	> 1.4
8	> 2680	> 8	> 27	> 1.6
9	> 3015	> 9	> 31	> 1.8
10	> 3350	> 10	> 34	> 2.0
11			> 37	> 2.2
12			> 41	> 2.4
13			> 44	> 2.6
14			> 48	> 2.8
15			> 51	> 3.0
16				> 3.2
17				> 3.4
18				> 3.6
19				> 3.8
20				> 4.0

- The P Component is calculated on the basis of the amount of fibre, protein, fruit, vegetables and pulses contained in the food product. Depending on the elements, points from 0 to 7 are awarded according to the content per 100 g of the food product (see Table 2). The positive component P corresponds to the sum of these points and can therefore vary from 0 to 17.

For red meat (excluding poultry) and its derived products, the number of points for protein is limited to 2. The positive component P can therefore vary from 0 to 12 points.

Table 2. - Points awarded to each of the elements of the “positive” component P

Points	Fibre (g/100 g)	Proteins ⁽¹⁾ (g/100 g)	Fruits, vegetables and pulses (%/100g)
0	≤ 3.0	≤ 2.4	≤ 40
1	> 3.0	> 2.4	> 40
2	> 4.1	> 4.8	> 60
3	> 5.2	> 7.2	-
4	> 6.3	> 9.6	-
5	> 7.4	> 12	> 80
6		> 14	
7		> 17	

(1) For red meat and products derived from it: A maximum of 2 points can be awarded for proteins. The list of meats and derived products concerned is specified in

the Nutri-Score regulations.

- Calculation of the nutrition score

Based on the score for the N component, the final nutrition score is calculated as follows:

- If the total of the N component is less than 11 points or if the product is cheese, then the nutrition score is equal to the total points of the N component from which the total of the P component is deducted.
Nutrition score = Total N points - Total P points
- If the total for the N component is greater than or equal to 11 points, then the nutrition score is equal to the total points for the N component minus the sum of the “Fibre” and “Fruit, vegetables and pulses” points. The protein content is thus not taken into account in the calculation of the nutrition score in this case.
Nutrition score = Total N points - Total "Fibre" points - Total "Fruit, vegetables and pulses" points

1-2 Special cases

The point allocation tables used to calculate the nutrition score for special cases are detailed below:

1-2-1- Animal and vegetable fats, nuts and seeds: the scores for animal and vegetable fats, nuts and seeds are calculated using the following point allocation tables (see Tables 3 and 4):

Table 3. - Points awarded to each of the elements of the “negative” component N in the specific case of animal and vegetable fats, nuts and seeds

Points	Energy from saturated fatty acids (kJ/100g) ⁽¹⁾	Sugars (g/100 g)	Saturated fatty acids/lipids	Salt (g/100 g)
0	≤ 120	≤ 3.4	<10	≤ 0.2
1	> 120	> 3.4	<16	> 0.2
2	> 240	> 6.8	<22	> 0.4
3	> 360	> 10	<28	> 0.6
4	> 480	> 14	<34	> 0.8
5	> 600	> 17	<40	> 1.0
6	> 720	> 20	<46	> 1.2
7	> 840	> 24	<52	> 1.4
8	> 960	> 27	<58	> 1.6
9	> 1080	> 31	<64	> 1.8
10	> 1200	> 34	≥64	> 2.0
11		> 37		> 2.2
12		> 41		> 2.4
13		> 44		> 2.6

14		> 48		> 2.8
15		> 51		> 3.0
16				> 3.2
17				> 3.4
18				> 3.6
19				> 3.8
20				> 4.0

(1) Energy from saturated fatty acids is obtained from the mandatory nutrition declaration on the back of the packages, using the following formula:
Energy from saturated fatty acids = saturated fatty acids (g/100g) * 37

Table 4. - Points awarded to each of the elements of the “positive” component P in the specific case of animal and vegetable fats, nuts and seeds

Points	Fibre (g/100 g)	Protein (g/100 g)	Fruits, vegetables and pulses (%) ⁽¹⁾
0	≤ 3.0	≤ 2.4	≤ 40
1	> 3.0	> 2.4	> 40
2	> 4.1	> 4.8	> 60
3	> 5.2	> 7.2	-
4	> 6.3	> 9.6	-
5	> 7.4	> 12	> 80
6		> 14	
7		> 17	

(1) In the animal and vegetable fats category only, oils derived from ingredients included in the "Fruit, vegetables and pulses" list, in general, are eligible to be counted in the "Fruit, vegetables and pulses" component (for example, olive and avocado oils can therefore be counted in the "Fruit, vegetables and pulses" component).

Based on the score for the N component, the final nutrition score is calculated as follows:

- If the total of the N component is less than 7 points, the nutrition score shall be equal to the total of the N component points minus the total of the P component.
Nutrition score = total N points – total P points
- If the total of the N component is greater than or equal to 7 points, then the nutrition score is equal to the total of the points in the N component from which the sum of the points for “Fibres” and “Fruits, vegetables and pulses” is deducted. The protein content is thus not taken into account in the calculation of the nutrition score in this case.
Nutrition score = Total N points - Total "Fibre" points - Total "Fruit, vegetables and pulses" points

1-2-2- Beverages: The scores for beverages are calculated using the following point allocation tables (see Tables 5 and 6). In this particular case, the negative

component N also includes points for the presence of sweeteners:

Table 5. - Points awarded to each of the elements of the “negative” N component

Points	Energy (kJ/100 ml)	Sugars (g)	Saturated fatty acids g/100ml	Salt (g/100ml)	Sweeteners (presence/absence) ⁽¹⁾
0	≤ 30	≤ 0.5	≤ 1	≤ 0.2	
1	≤ 90	≤ 2	> 1	> 0.2	
2	≤ 150	≤ 3.5	> 2	> 0.4	
3	≤ 210	≤ 5	> 3	> 0.6	
4	≤ 240	≤ 6	> 4	> 0.8	Presence
5	≤ 270	≤ 7	> 5	> 1	
6	≤ 300	≤ 8	> 6	> 1.2	
7	≤ 330	≤ 9	> 7	> 1.4	
8	≤ 360	≤ 10	> 8	> 1.6	
9	≤ 390	≤ 11	> 9	> 1.8	
10	> 390	> 11	> 10	> 2	
11				> 2.2	
12				> 2.4	
13				> 2.6	
14				> 2.8	
15				> 3	
16				> 3.2	
17				> 3.4	
18				> 3.6	
19				> 3.8	
20				> 4	

(1) The list of sweeteners taken into account in the calculation of the nutrition score is specified in the Nutri-Score regulations.

Table 6. - Points awarded to each of the elements of the “positive” component P

Points	Fibre (g/100 g)	Protein (g/100 g)	Fruits, vegetables and pulses ⁽¹⁾ (%)
0	≤ 3.0	≤ 1.2	≤ 40
1	> 3.0	> 1.2	> 40
2	> 4.1	> 1.5	> 60
3	> 5.2	> 1.8	-
4	> 6.3	> 2.1	-
5	> 7.4	> 2.4	> 80
6		> 2.7	
7		> 3	

The nutrition score shall be equal to the total of the N component points minus the total of the P component.

Nutrition score = total N points – total P points

2) Classification of the food product in the five-colour nutrition scale on the basis of

the score calculated according to 1

2-1 General case

In the general case, the Nutri-Score is assigned according to the following thresholds:

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

2-2 Special case of animal and vegetable fats, nuts and seeds

For animal and vegetable fats, nuts and seeds, the Nutri-Score shall be awarded according to the following thresholds:

Score range	Class	Colour
Min to -6	A	Dark green
-5 to 2	B	Light green
3 to 10	C	Light orange
11 to 18	D	Medium orange
19 to max.	E	Dark orange

2-3 Special case for beverages

For beverages, the Nutri-Score is awarded according to the following thresholds:

Score range	Class	Colour
Water	A	Dark green
Min to 2	B	Light green
3 to 6	C	Light orange
7 to 9	D	Medium orange
10 to max.	E	Dark orange

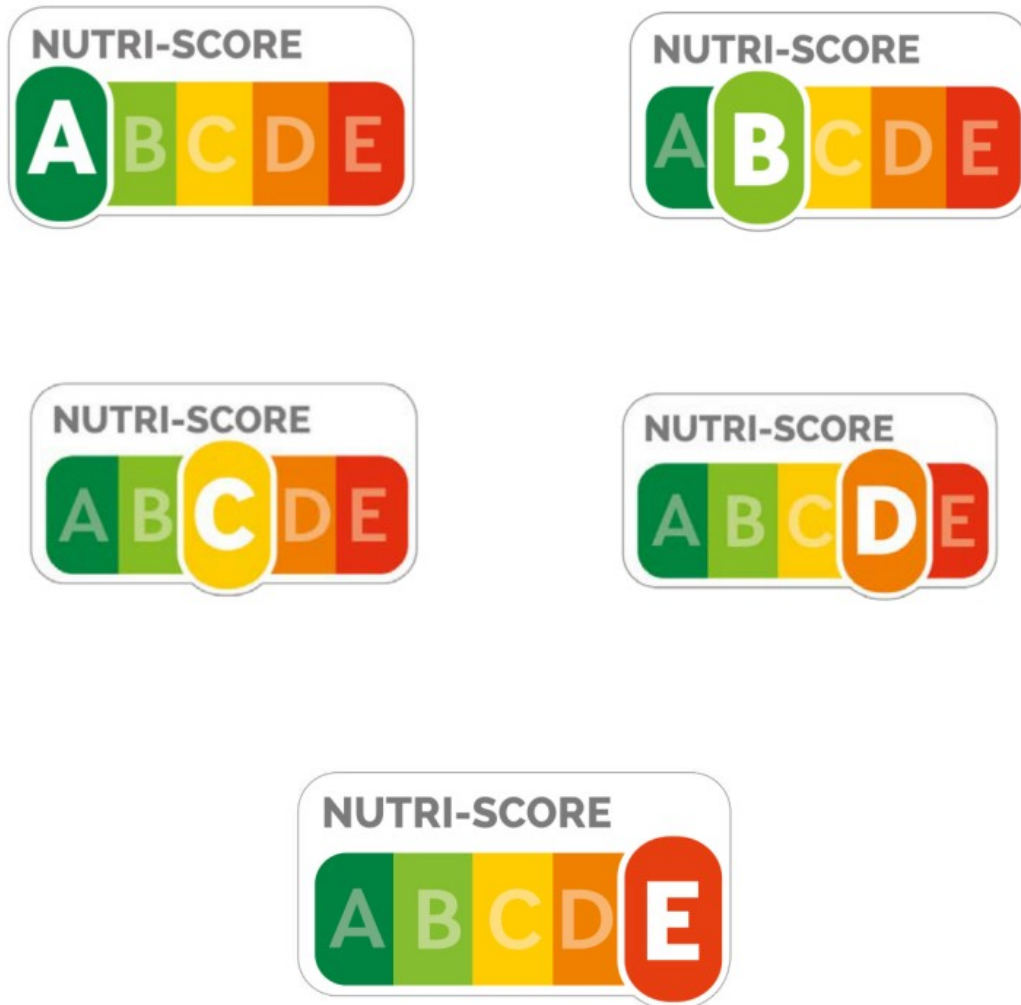
3) Location of the graphic symbol on packaging

The graphic symbol is located in the lower one-third section of the front of the packaging.

This does not apply to foodstuffs packaged in packaging or containers where the largest surface area is less than 25 cm².

4) Graphic symbol and characteristics

The selected graphic symbol, called Nutri-Score, is shown below:



The characteristics of the logo, in particular its size and colour, are defined in the rules governing the use of the Nutri-score collective trademark.

5) Monitoring use of the logo

Manufacturers and distributors in the food sector who undertake to use the complementary form of expression determined in these specifications shall inform the Food Observatory as defined in Article L.230-3 of the French Rural and Maritime Fishing Code and provide the Observatory, in a format defined by the latter, with all the information required for monitoring purposes.

Contact details of the Food Observatory: dedicated tab on www.oqali.fr.

Monitoring of the use of the complementary form of expression is ensured by the Food Observatory.