



EFA response to the European Commission public consultation on Guidelines relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II of Regulation (EU) No 1169/2011 on the provision of food information to consumers

The European Federation of Allergy and Airways Diseases Patients' Associations (EFA) is a non-profit network of allergy, asthma and chronic obstructive pulmonary diseases (COPD) patients organisations, representing 38 national associations in 25 countries and over 400,000 patients. EFA is dedicated to making Europe a place where people with allergies, asthma and COPD have the right to best quality of care and safe environment, live uncompromised lives and are actively involved in all decisions influencing their health.

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Opening remarks

The adoption of Regulation (EU) No 1169/2011 of the European Parliament and the Council on the provision of food information to consumers in October 2011 was welcomed by EFA as a positive step to enhance the protection of the health of the 7 million Europeans living with food allergy¹. The new measures, which entered into force in the EU Member States in December 2014, were particularly appreciated as they clarified the way allergens have to be emphasised in the ingredients' list to attract allergic consumers' attention and, for the first time, they required that information on allergens should be made available to consumers for non-pre-packed food.

EFA welcomes the Guidelines relating to the provision of information on substances or products causing allergies or intolerances drafted by the European Commission and the representatives of the Member States, as they clarify the main provisions of the legislative document on allergen labelling. We have been advocating for the Commission to draft EU-wide guidelines and to share the best practices on food information management and the use of "may contain" labelling, as well as the way allergen information is provided for non-pre-packed food.²

This response was prepared in consultation with all EFA members, but we would like to acknowledge especially the members of EFA Food Allergy Working Group for their input and comments to the consultation draft.

Specific comments

Ingredients' list

The document acknowledges that people should always check the ingredients' list as they might be allergic to other substances than to those listed in Annex II of Regulation (EU) No 1169/2011. However, it does not recommend avoiding the exception foreseen for small packages (article 16 of the regulation foresees an exception for packaging or containers whose surface is inferior to 10 cm²: in such cases, the list of ingredients shall be provided through other means or made available at the request of the consumer).

EFA firmly believes that the ingredients' list should always be compulsory (irrespective of the size of the pack and both for pre-packed and non-pre-packed food).

¹ The European Academy of Allergy and Clinical Immunology (EAACI) Advocacy Manifesto, Tackling the Allergy Crisis in Europe – Concerted Policy Action Needed (December 2014)

² EFA, Better labelling is necessary to empower people with food allergy in Europe [abstract](#) and [poster](#) (August 2012)

Name of allergens

The document is suggesting that in some cases, the specific name of a product belonging to one of the categories listed in Annex II (e.g. oyster instead of molluscs, cod instead of fish, etc.) can be used. It is recommended that a specific case-by-case analysis in each Member States is carried out to avoid risks for allergic people.

This suggestion would make shopping particularly difficult for people with food allergy as there are many specific names for fish, molluscs, etc. One cannot expect all customers, particularly foreigners, to know all these specific names. Therefore, EFA believes that the names of the substances listed in Annex II should always be mentioned. Specific names can be a useful addition (for instance, in brackets).

Moreover, if such exceptions are allowed, mandatory labelling would be more difficult as Annex II does not mention any specific names for fish, molluscs, etc. as opposed to specific names for nuts and gluten.

The document recommends that in the case of nuts and cereals containing gluten, the specific names (e.g.: hazelnuts, wheat) should be mentioned.

EFA agrees with this proposal. Identifying the specific gluten-containing grain or nut used in the product would not unnecessarily limit the range of products available to people with allergies, as most people are not allergic to all nuts or all different gluten-containing grains. Furthermore, Annex II lists the specific names for nuts and gluten-containing grains that should be labelled and therefore, this would help with common labelling practices within and between countries.

Emphasise the name

The document is suggesting that in case a product contains allergens, the allergens themselves should be emphasised and not the name of the product (e.g.: cream filling (**egg** yolks, **cream**, sugar, water)). This differs if the name of the product already contains the allergen (e.g.: **Milchpulver** in German).

EFA supports this recommendation as allergic consumers should be empowered to know the allergens contained in the product.

Non-pre-packed foods

The document underlines that a food business operator cannot provide allergen/intolerance information only and simply upon request by the consumer.

EFA firmly supports this.

Although Member States are free to decide about the means to inform consumers, the guidelines underline that in case of absence of such measures, the provisions applicable to pre-packed foods apply.

EFA agrees with this suggestion.

However, the document states that Member States may decide that information on allergens may be given upon request by the consumer, provided that the food business operators indicate in a conspicuous

place and in such a way as to be easily visible, clearly legible and, where appropriate, indelible, that such information can be obtained upon request.

A similar problem was encountered in the Netherlands, as the country has opted for this approach that is not desirable for allergic people. Consumers praise the new regulation as now they can finally go out for eating without having to ask the staff about all the allergens. Following such an interpretation of the regulation's provisions would represent a step backwards.

In the case of the compound ingredients used in the non-pre-packed foods for which the list of ingredients is not required following the national provisions, the indication of the allergens shall refer to the presence of substance or products listed in Annex II (single ingredients) and not the compound ingredient with the allergens highlighted (e.g.: in the case of a sandwich with mayonnaise made of eggs, the information given should be only "egg").

As previously underlined, EFA supports a compulsory list of ingredients for all items (both pre-packed and non-pre-packed).

Derogations

In the case where the name of the food clearly refers to the substance or product of Annex II, the latter does not need to be indicated on the label. The guidance document states that it is clear to everyone that cheese, butter, cream or yoghurt refer to milk, but this is not clear when these products are sold under a trade name, or an appellation, protected or not. It is therefore suggested that in this case, the name should include any supplement clearly referring to the ingredients of Annex II (e.g.: "Camambert", "farmhouse blue cheese" as additional text).

EFA believes that, although for most allergic people, it is clear that the food clearly refers to the allergens listed in Annex II, this is not necessarily always the case for the most vulnerable consumers' groups, such as children or newly arrived immigrants that have a language barrier. Therefore, we do recommend that the names listed in Annex II are always emphasised with no derogations.

Precautionary labelling

The document does not mention "may contain" labelling, but EFA has always been advocating for clearer rules and EU-wide guidance on this topic. In the long-term, precautionary labelling should be abolished as science enables thresholds, while in the short-period, it should only be the last resort after the implementation of best practices to avoid cross-contamination has failed. Allergen risk management should be the standard for all food business operators.



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