



Food Law Article Index 2009

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- Is there a need for clearer food labelling of ready meal ingredients and their origin?

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- New EC rules requiring mandatory designation of origin labelling for extra virgin and virgin olive oils destined for sale to final consumers are to be adopted soon by the EC Commission
- Canada suspends its WTO complaint over US meat labels requiring country of origin labelling

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- The European Court of Justice (ECJ) rules that the right of public access to information applies to releases of Genetically Modified Organisms (GMOs)

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- Malaysian fishery products have met EC food safety requirements

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- India has relaxed its import conditions for poultry and pig meat products
- Despite EC Member States' significant progress in developing GM coexistence legislation during the last years, cultivation of GM crops remains marginal

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- Germany imposes ban on the cultivation of Genetically Modified (GM) Maize
- Canada requests WTO consultations about measures affecting the importation of bovine meat and meat products into Korea

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- Series of bans imposed on pork trade

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- Canada and Mexico request supplementary WTO consultations on US country-of-origin (COOL) measures
- Italy referred to the Court of Justice over its failure to notify implementing measures concerning the labelling of certain ingredients which are susceptible to cause allergenic reactions

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- EC Commission plans to support olive oil sector with storage aid
- New EC initiative on agricultural product quality policy

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- The new EC feed regulation promises to strengthen food safety in the EC
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- EC Member States clash over the use of GM crops

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- EFSA publishes data requirements for food additive applications and, in a second opinion, specifies requirements for the safety assessment of GM plants

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- French initiative towards a '*GMO-free*' labelling of foodstuffs

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- EU Commission, EU Parliament, consumers and food industry divided on changes to EU food labelling rules

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- The EU Commission gives the green light to a genetically modified potato
- Draft Italian legislation on the use of substances other than vitamins and minerals in food supplements discussed at EU level

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- Australia takes a controversial step backwards over beef imports

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- The US expects increased market access for beef in 2012, while EFSA issues guidance on the submission of data for AMT proposals

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- EU Commission plans an '*omnibus decision*' and reviews the timetable for adoption of the list of permitted health claims made on foods

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- EU Commission authorises a number of '*non-Article 13*' health claims (concerning reduction of disease risk and children's development and health) and rejects others

- In consideration of technical developments, the EU Commission approves a number of new food additives and new uses for previously-approved food additives

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- Which risk assessments are being used for the establishment of the EU list of permitted flavouring substances?

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- The EU Council reached political agreement on a draft regulation on food information to consumers

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- EU Committee of the Regions recommends introducing a logo for local food

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- Canadian compositional cheese standards upheld on appeal

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- Conciliation on novel foods regulation fails, impeding the adoption of new EU rules for the approval of innovative foods

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- Environmental and socio-economic grounds cited as possible justification for EU Member States to ban or restrict GMO cultivation

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- Proposed review of EU agricultural quality policy opens new business opportunities

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- EU Parliament calls for new cloning regulations, which could affect many beef exporting countries
- Warning labels for sweetener aspartame introduced in the EU Food Information Regulation

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- Remaining '*retaliatory*' duties in the EC – Hormones dispute lifted by the US
- Report by EU Parliament foresees important changes to fruit juice proposal

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- The EU Commission proposes substantial changes to the regulatory framework for dietetic foods

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- The EU and Canada reach an agreement on equivalency of organic products

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- The EU adopts a '*technical low level presence*' of non-approved GM material in imported feed

- The EU Commission outlines challenges of the next decade in the area of food safety, including environmental sustainability of the food chain

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- A recent FVO report has found that Turkish regulation on the control of pesticide residues is improving

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- Judgement of the Court of Justice clarifies which rules apply to EU Member States' emergency measures concerning marketing authorisations for GMOs
- The EU-list of permitted '*generic*' (i.e., '*Article 13*') health claims on food products will be established by the end of 2011

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- Danish tax on saturated fat in some food comes into effect, within a trend in EU Member States to impose taxes on certain food categories
- EFSA completed its first opinions providing the scientific basis for the modernisation of meat inspection in the EU

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- France bans Bisphenol A in all food packaging material as of 2014 further to an EU-wide ban on infant feeding bottles containing Bisphenol A
- Proposed amendments to the EU regime on bovine identification and voluntary labelling are notified to the WTO

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- The EU still has not set maximum permitted levels of vitamins and minerals in food supplements

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- The EU Commission establishes lists of food additives which are permitted in the EU; however, new risk assessments are still to come

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- Panel report issued in the WTO dispute US – COOL
- Ferrero has been ordered by a German Court to change the nutrition labelling on Nutella as it is considered misleading
- Turkey's 0% tolerance threshold for imports of food and feed with traces of GMO content is raising concerns within the international business community

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- The EU Commission Standing Committee agrees on general function health claims, including proposed prohibition of about 2,000 claims

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- Overview of the standard of review for possible justifications to introduce national food labelling rules in the EU

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- EU Parliament opposes draft EU Commission regulation permitting a '*now contains X% less*' claim on food and drinks
- EU businesses are worried about the new country of origin labelling rules for food

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- EU and US mutually recognise their respective organic standards and control systems as equivalent

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- In a report, the EU Parliament calls for the precautionary principle as a fundamental principle which must guide food safety policy
- The US requests consultations with India on SPS poultry restrictions

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- Concerns about the legal compatibility with EU internal market and WTO rules impede agreement on new GMO cultivation directive

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- EU Member States endorse the '*Union list*' of flavouring substances despite Germany's opposition

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- UNCTAD urges African nations to shift towards organic farming products - Opportunities for organic farming products in the EU

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- The EU adopts new rules for fruit juices, providing for numerous changes in relation to its composition and labelling
- The EU and the US agree to mutually recognise each other's certified trusted traders

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- EU Commission authorises additional uses of existing food additives, without a need for risk assessments

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- The EU Council adopts conclusions on the protection and welfare of animals, including a call for increasing efforts at ensuring a level playing field for EU and third-country operators

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- WTO Appellate Body upholds the Panel's ruling in US – Certain Country of Origin Labelling Requirements (COOL)

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- Codex adopts MRLs for ractopamine in the tissues of pigs and cattle, amid strong opposition by the EU and China

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- EFSA approves a health claim related to cocoa flavanols and blood circulation, which still needs to be endorsed by the EU Commission
- EU Member States may be re-thinking the '*Fat Tax*' trend with Italy not proceeding with its tax on soft drinks and Denmark expected to repeal last year's tax on saturated fats

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- The Court of Justice of the EU establishes that wine may not be promoted and labelled as being '*easily digestible*' ('*bekömmlich*')

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- EU postpones decision on an application to allow US wine exports to Europe to use the word '*Château*'

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- EU General Court confirms decision of the OHIM and finds likelihood of confusion between BIMBO DOUGHNUTS and earlier DOGHNUTS mark

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- The French Senate rejects the introduction of a special excise tax on palm oil, palm kernel oil and coconut oil

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- Food industry trade associations develop GDA Guidelines to assist companies in preparing for the label changes needed in order to comply with the new EU nutrition labelling rules

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- Following a lack of opposition from the EU Council and the EU Parliament, the EU Commission can now adopt a regulation permitting the use of lactic acid to reduce microbiological surface contamination on bovine carcasses
- '*Reasonable period of time*' determined by WTO arbitrator in the US – COOL dispute
- The EU-China '*10 plus 10*' Geographical Indications project has been completed

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- Potential consequences of EFSA's scientific opinion concluding that maize MON810 pollen is safe for the labelling of honey

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- The EU amends the list concerning reinforced border controls of '*high-risk*' non animal products and further escalates import controls on certain products

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- The EU Commission publishes a guidance document on the Food Information Regulation

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- The horsemeat scandal in the EU: Calls for country of origin labelling of meat ingredients in ready meals, DNA testing and severe sanctions for intentional violations of food chain rules

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- The EU fails to approve a ban on neonicotinoid insecticides although EFSA's risk assessment concluded that their use implies risks for bees
- US compliance measure in the Country of Origin Labelling WTO case: is it the end of the story?

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- EU Parliament vetoes EU definition of the absinth spirit drink (also known as the '*green fairy*')

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- Would GI protection under EU law defend Belgian Chocolate from misuse of the name '*Belgian Chocolate*'?

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- CJEU rules that public administrations can '*name and shame*' food business operators when food placed on the market does not entail a health risk, but is unfit for human consumption
- Turkey's 0% tolerance threshold for imports of food with traces of GMOs continues to raise concerns within the business community

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- EU Commission adopts a package of proposals to establish a new regulatory framework on official controls, animal health, plant health and seeds

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- The US might have to face '*retaliatory*' measures from Canada in the framework of the COOL dispute
- German Court rules that certain stevia advertisements are misleading - possible impact for the marketing of '*natural*' stevia products

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- EU adopts new rules for foods for vulnerable consumers, such as infants, young children, gluten intolerant and ill people, while the question of whether and how to regulate sportsmen food has been postponed

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- Hungary intends limiting trans fats in foodstuffs, as done by other EU Member States

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- The EU and the US agreed to extend Phase 2 of the deal concerning the importation of '*high-quality*' beef into the EU

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- The EU discusses details of country of origin labelling for fresh meat of pig, poultry, sheep and goat

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- The ASEAN process of setting MRLs for pesticides in the light of Codex Alimentarius, the WTO and the EU

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- A derogation for generic descriptors under the Nutrition and Health Claims Regulation enters into force on 11 October 2013

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- The EU Commission considers the UK traffic light nutrition labelling scheme as voluntary nutritional information and not as a '*non-beneficial*' nutrition claim
- The EU's recent legislative developments raise interesting questions concerning vegetable oils

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- The US FDA is considering removing the GRAS status of partially hydrogenated oils, while individual EU Member States establish restrictions on trans fats

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- German Court prohibits the publication of a test report on the use of the term '*natural flavouring*' by a German chocolate manufacturer

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- The EU Parliament adopts a resolution on food fraud

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- Proposals to revise the EU's legislative framework on novel foods and animal cloning

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- The EU Parliament rejects the EU Commission's proposed definition of '*engineered nanomaterials*' added to foodstuffs

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- Reducing food loss and food waste by amending labelling legislation on minimum durability of food?

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- Health warning and '*plain packaging*' regulations may soon target soda drinks and other sugary products in some countries
- How the new EU Directive establishing that pollen is a natural constituent and not an ingredient of honey may have consequences for '*GM-free*' claims

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- German court repeals the withdrawal of marketing authorisation of kava-containing medicinal products

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- Edible insects in the EU: safety assessments, legal loopholes and business opportunities

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- The EU Commission triggers formal State aid investigation proceedings against Denmark for its saturated fat tax

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- Animal cloning and animal welfare: will EU draft rules make their way to the WTO?

- *'Simplified'* nutrition labelling scheme proposed in France

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- German *'probiotic'* baby food court battle over trademarks as 'health claims' and transitional use of existing trademarks

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- WHO Interim Report on Ending Childhood Obesity calls for taxes and marketing restrictions to tackle child obesity

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- European Parliament's ENVI Committee calls for better labelling of alcoholic beverages as part of a new Alcohol Strategy

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- The EU Commission proposes that EU Member States be able to *'opt-out'* from GM food and feed authorisations

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- The WTO Appellate Body in large part upholds the findings and conclusions of a compliance panel that the US country of origin labelling requirements for meat products are inconsistent with WTO law
- Discussions on EU novel foods regulation – a new failure would have an impact on insect-based food

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- How *'misleading'* can food labelling and packaging be?

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- EU General Court upholds list of *'function health claims'* – Fate of *'botanical health claims'* still uncertain

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- Chile adopts warning statements in the form of a black STOP sign for '*HFSS foods*' (i.e., foods high in fat, salt or sugar)
- The EU Commission issued its report on the public consultation for the definition of the criteria to identify endocrine disruptors

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- A revised EU Novel Foods Regulation and its impact on edible insects and insect-based food

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- MEPs support mandatory origin labelling for milk, minor meats, unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food

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- Collective redress or '*Class actions*' for misleading labelling and advertising of food in the US and in the EU

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- The WTO Appellate Body circulates its compliance Report in US – Tuna II (Mexico)
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- An EU Commission report suggests setting legal limits on *trans* fats

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- The UK Royal Society of Public Health proposes '*activity equivalent*' calorie labelling on food to tackle obesity

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- Novel foods and insect-based foods: the next steps

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- CJEU: With respect to nutrition claims on mineral water, the calculation of total content must consider all of the chemical compounds of sodium

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- Glyphosate renewal process: MEPs urge the EU Commission not to renew authorisation

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- Are EU nutrient profiles still needed after the Dextro Energy judgment of the EU General Court?

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- Insect meal and the need for reform of EU feed legislation

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- MEPs renew call on the Commission for mandatory COOL of meat and milk in processed foods while some EU Member States already started to draft such measures

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- The new US '*Nutrition Facts*' require food and business operators to indicate how much sugar has been added to their products

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- The European Commission finally presents its criteria to be used to identify endocrine disruptors in the field of plant protection products and biocides
- An update on Nutrient Profiles in light of the Dextro Energy case

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- France introduces mandatory COOL for milk and meat in prepared foods for a two-year test period

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- CJEU: NHCR applies to commercial communications to healthcare professionals, not only to final consumers

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- Food Standards Scotland's (FSS) strategy 2016 to 2021 - Scotland considers fiscal measures and advertising bans on '*discretionary foods and drinks*'

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- The UK Government announces '*clearer visual labelling*' in the form of teaspoons of '*free*' sugar

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- Divergent views remain on the US Food and Drug Administration's Draft Guidance on biosimilar product labelling
- A Swedish court rules that EFSA's reference values for vitamins and minerals cannot be used as upper limits in food

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- EFSA's opinion on certain process contaminants in refined vegetable oils – explaining an oversimplified issue

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- Codex discussions on '*front-of-pack*' nutrition labelling in the context of relevant developments in Latin America and the EU

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- The relationship between public health and IP rights: Chile prosecutes Kellogg's, Nestlé and Masterfoods for using cartoons aimed at children

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- The European Commission reinforces its push to grant individual EU Member States the option of restricting or prohibiting the use of genetically modified food and feed
- Belgium introduces new rules on maximum levels for vitamins, minerals and trace minerals in food supplements and fortified foods

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- France starts a two-year trial of mandatory COOL – Should the EU take a harmonised approach on COOL?

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- Naming and marketing of plant-based meat substitutes – vegetarian '*Schnitzel*' and vegan sausages?

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- European Parliament's ENVI Committee votes for restrictions of advertisements for HFSS foods aimed at children, including in social networks

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- The complex regulation of maximum levels of acrylamide in food

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- Undermining the CETA? Canadian concerns about planned country of origin labels for pasta in Italy

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- Brexit and the growing legal and economic uncertainties for all stakeholders, in particular in the agro-food sector
- The European Commission report on labelling of alcoholic beverages invites the industry to submit a self-regulatory proposal

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- Is the EU moving towards the labelling of added sugar? The EFSA is to provide an opinion on the intake of sugar added to food

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- Update on COOL: Italian draft decree on the mandatory indication of the address of the production facility; Compliance with Italian and French COOL measures

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- France recommends to food business operators an additional form of presentation of the front-of-pack nutrition declaration

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- The regulatory framework on plant protection products in the UK after Brexit

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- An update on nutrient profiles: advertising HFSS food to children and an open letter on nutrient profiles for nutrition and health claims

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- 100 EU Geographical Indications will soon be protected in China, while Italian authorities investigate fraudulent production of protected Parma and San Daniele ham
- Court of Justice of the European Union: Commission did not err in not authorising health claims that encourage the consumption of sugar

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- Court of Justice of the European Union: Purely plant-based products cannot be marketed as '*milk*', '*butter*' or '*cheese*'

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- Agreement on criteria for endocrine disruptors in the field of plant protection products in the EU

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- Italy adopts mandatory country of origin labelling for durum wheat pasta and rice and intends to adopt similar rules for tomato products – how cool is COOL in trade terms?

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- The debate on '*dual quality*' branded food products – an initial legal analysis

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- Finland approves insects for food use – but not all insect-based food. Food safety authority to publish guidance
- Towards the regulation of voluntary precautionary allergen labelling in the EU?

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- The European Parliament opposes the adoption of the proposed definition of endocrine disruptors in the field of plant protection products
- EU Member States likely to vote soon on the renewal of glyphosate's authorisation, while the European Parliament asks to phase it out

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- A growing number of Front-of-Pack (FoP) nutrition labelling schemes underlines the need for global consistency

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- Defining '*vegan*' and '*vegetarian*' food in the EU and '*consumer preference claims*' at the international level

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- New organic farming rules in the EU: Current recognition of equivalence by control bodies for imports to be progressively shifted to a compliance regime
- Insects as food and feed – with cricket bread on the market in Finland and insect protein allowed for aquaculture animals, the EU now targets 2019 to allow the use of insect protein in poultry feed

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- Italy moves to support its agricultural producers through limiting rice imports into the EU and by extending country of origin labelling – a fine line between legitimate policies and protectionism
- The European Parliament does not veto the authorisation of phosphate additives in '*frozen vertical meat spits*', better known as '*kebab*' meat – Call for harmonised labelling of phosphates in take-away foods

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- Modernised EU novel regulation with a specific notification procedure for new traditional foods from third countries comes into effect

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- Third request for WTO dispute settlement consultations within one year – Canada under increasing pressure regarding its rules on the sale of wine
- Towards increased labelling of alcoholic beverages? – Policy options for consumer information on alcoholic beverages in the EU and its Member States

FratiniVergano specializes in European and international law, notably WTO and EU trade law, EU agricultural and food law, EU competition and internal market law, EU regulation and public affairs. For more information, please contact us at:

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