



Notification Number: 2011/257/F

## **Draft decree made in application of Articles L.112-17-1 and L.214-1 of the consumer code on placing truffles and foodstuffs containing truffles on the market.**

Date received : 27/05/2011  
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Issue of comments by : United Kingdom

### Message

Message 002

Communication from the Commission - SG(2011) D/51284  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2011/0257/F

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101284.EN)

#### **1. Structured Information Line**

MSG 002 IND 2011 0257 F EN 27-05-2011 F NOTIF

#### **2. Member State**

F

#### **3. Department Responsible**

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#### **3. Originating Department**

Ministère de l'économie, des finances et de l'industrie



Direction générale de la concurrence, de la consommation et de la répression des fraudes  
Bureau D4  
59, boulevard Vincent Auriol – Télédéc 251 - 75703 Paris Cédex 13  
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#### **4. Notification Number**

2011/0257/F - C50A

#### **5. Title**

Draft decree made in application of Articles L.112-17-1 and L.214-1 of the consumer code on placing truffles and foodstuffs containing truffles on the market.

#### **6. Products Concerned**

Truffles of the Tuber genre and foodstuffs containing these truffles.

#### **7. Notification Under Another Act**

- Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs

#### **8. Main Content**

In order to protect consumers and to ensure fair trading, Article 4 of the law of 27 July 2010 on the modernisation of agriculture and fishing stipulates the conditions for the use of the phrases “truffled”, “with truffle juice” and “flavoured with truffle juice”. This Article of the law is codified in Article L.112-7-1 of the consumer code. It allows for the adoption of a decree to determine the methods of implementation. This decree, the draft of which is the subject of this notification, specifies the types for which the use of the three set phrases laid down by the law is authorised and the conditions for the use of these phrases. In addition, the draft includes provisions which allow buyers to ascertain that any fresh Tuber truffles on the market are sound, fair and of marketable quality and, with the aim of keeping both consumers and professionals well informed, it specifies that the name under which the products are sold must be accompanied by the scientific name of the truffle species. Lastly, taking into account cases of fraud observed on the market concerning products labelled “with truffles”, where these products in fact contained little or no truffle at all but rather truffle flavouring, the draft stipulates that the addition of a flavouring must be mentioned in the name under which the product is sold, in accordance with the designations set out in Regulation 1334/2008.

These provisions are applicable at all stages, including restaurant services, with the aim of providing the consumer with accurate information and to protect the gastronomic quality of the dishes served to consumers.

#### **9. Brief Statement of Grounds**

The truffle is an expensive product for both consumers and operators, and therefore requires specific regulations.

The increasing sale of foodstuffs described as “with truffles” or “truffled”, where the actual amount of truffle is in reality very low and where “truffle-flavoured” flavourings are added as a truffle substitute is misleading to the customer and may even be described as fraud.

Moreover, the sale of mediocre-quality fresh truffles means that minimum quality requirements must be set for fresh truffles so that buyers can ascertain that they are sound, fair and of marketable quality.



#### **10. Reference Documents - Basic Texts**

Reference texts: a) Article 4 of law no 2010-874 of 27 July 2010 on the modernisation of agriculture and fishing (codified in Article L.112-7 of the consumer code)

c) Article 9 of decree no 93-999 of 9 August 1993 on foie gras-based preparations (notification no 1991/355/F)

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

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#### **16. TBT and SPS aspects**

TBT

NO - The draft does not have a significant effect on international trade.

SPS Relevance

No - The draft is not a sanitary or phytosanitary measure.

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