

SCHEDULE 5

Regulation 12

Improvement notices - specified FIC provisions

PART 1

FIC provision in relation to which an improvement
notice may be served on and from 15th August 2014

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 17(5) so far as it applies to the requirements in Part B of Annex VI concerning the designation “minced meat” (requirements concerning the designation “minced meat” and the particulars that must accompany it)	Articles 1(3) and 6 and the third subparagraph of Article 54(1), the second subparagraph of Article 55, Part B of Annex VI, regulation 4 and Schedule 2

PART 2

FIC provisions in relation to which an improvement
notice may be served on and from 13th December 2014

<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
1. Article 6 (basic requirement for food information to accompany food)	Articles 1(3) and 30(2) and (3), the first subparagraph of Article 54(1) and the other Articles of FIC listed in column 1, as appropriate
2. Article 7(1) (prohibition on misleading information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
3. Article 7(2) (requirement for accurate, clear and easy to understand information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
4. Article 7(3) (prohibition on food information attributing health benefits to any food subject to certain derogations)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
5. Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information)	Articles 1(3), 6 and 8(1) and the first subparagraph of Article 54(1)
6. Article 8(3) (requirement for a food business operator not to supply non-compliant food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
7. Article 8(4) (restrictions on the modification of information accompanying a food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
8. Article 8(5) (obligation to ensure and verify compliance with food information law etc.)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)

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<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
9. Article 8(6) (requirement to transmit information relating to non-prepacked foods)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
10. Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
11. Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
12. Article 9(1)(a) (mandatory indication relating to the name of the food)	Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40, the first subparagraph of Article 54(1), Annex VI and regulation 3
13. Article 9(1)(b) (mandatory indication relating to the list of ingredients)	Articles 1(3), 6, 9(2), 11 and 16(1) and (2), the first subparagraph of Article 16(4), Articles 18, 19(1), 20 and 40, the first subparagraph of Article 54(1), Annexes VI and VII and regulation 3
14. Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40, the first subparagraph of Article 54(1), Annex II and regulation 3
15. Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, the first subparagraph of Article 54(1), Annex VIII and regulation 3
16. Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date)	Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40, the first subparagraph of Article 54(1), points 1 and 2 of Annex X and regulation 3
17. Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)	Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40, the first subparagraph of Article 54(1) and regulation 3
18. Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator)	Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40, the first subparagraph of Article 54(1) and regulation 3
19. Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance)	Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2) and 40, the first subparagraph of Article 54(1) and regulation 3
20. Article 9(1)(j) (mandatory indication relating to instructions for use)	Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40, the first subparagraph of Article 54(1) and regulation 3
21. Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)	Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, the first subparagraph of Article 54(1) and Annex XII
22. Article 10(1) (additional mandatory particulars for specific types of food)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex III

<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
23. Article 12(1) (availability and placement of mandatory food information)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Article 12(2) for pre-packed foods, Articles 12(5) and 44 for non-prepacked foods and Articles 14 and 44 for foods offered for sale by means of distance communication
24. Article 12(2) (general requirement for mandatory food information to appear directly on the package or on a label attached to prepacked food)	Articles 1(3), 6 and 12(1) and the first subparagraph of Article 54(1)
25. Article 13(1) (general requirement for the presentation of mandatory particulars)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
26. Article 13(2) (requirement relating to the presentation of mandatory particulars referred to in Article 9(1)(a) to (l))	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex IV, and, in relation to Article 13(2) as it applies to the presentation of a mandatory nutrition declaration, the second subparagraph of Article 55
27. Article 13(3) (font size of mandatory particulars on smaller packages)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
28. Article 13(5) (field of vision requirements)	Articles 1(3), 6, 13(6) and 16(1) and (2) and the first subparagraph of Article 54(1)
29. Article 14(1) (distance selling of prepacked foods)	Articles 1(3), 6, 9 and 14(3) and the first subparagraph of Article 54(1)
30. Article 14(2) (distance selling of non-prepacked foods)	Articles 1(3), 6, 14(1) and 42 and the first subparagraph of Article 54(1)
31. Article 15(1) (language requirements)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
32. Article 17(1) (name of food)	Articles 1(3), 6 and 9(1), the first subparagraph of Article 54(1), regulation 4 and Schedule 2
33. Article 17(2) (use of the name used for food in member State of production in another member State: need for other descriptive information in addition to the name of the food in certain cases)	Articles 1(3), 6, 9(1) and 17(1) and the first subparagraph of Article 54(1)
34. Article 17(3) (prohibition in certain exceptional cases of the use of a name used for a food in a member State of production when marketing that food in another member State)	Articles 1(3), 6, 9(1) and 17(1) and (2) and the first subparagraph of Article 54(1)
35. Article 17(4) (prohibition against replacing the name of a food with another name)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)

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<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
36. Article 17(5) (requirements on the name of a food and particulars that must accompany it) except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat”	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex VI
37. Article 18(1) (list of ingredient requirements)	Articles 1(3), 6, 18(4), 19(1) and 20, the first subparagraph of Article 54(1), Annex VII, regulation 8 and the first subparagraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption ⁽¹⁾
38. Article 18(2) (requirement to designate ingredients by their specific name)	Articles 1(3), 6, 17, 18(4) and 19(1), the first subparagraph of Article 54(1) and Annexes VI and VII
39. Article 18(3) (requirement relating to nanomaterial ingredients)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
40. Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance)	Articles 1(3), 6, 9(1)(c) and 18(1), the first subparagraph of Article 54(1), Annex II and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
41. Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient)	Articles 1(3), 6 and 22(2), the first subparagraph of Article 54(1) and Annex VIII
42. Article 22(2) (technical rules for quantitative indication of ingredients)	Articles 1(3), 6 and 22(1), the first subparagraph of Article 54(1) and Annex VIII
43. Article 24(1), first sentence (requirement relating to “use by” dates)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
44. Article 24(2) (requirement to express minimum durability date, “use by” date and date of freezing in a particular way)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex X
45. Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
46. Article 25(2) (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)

(1) OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p 1).

<i>No. Provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
47. Article 26(2)(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XI
48. Article 27(1) (instructions for use indication)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
49. Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XII
50. Article 30(1) (content of mandatory nutrition declaration)	Articles 1(3), 6, 29, 31(1) (as read with Annex XIV) and 31(3), the first subparagraph of Article 31(4), Articles 32(1) (as read with Annex XV), 32(2), 33(1) and 35(1) and the first subparagraph of Article 54(1)
51. Article 31(1) (conversion factors to be used for calculation of energy value)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XIV
52. Article 31(3), first subparagraph (requirement for energy value and amounts of nutrients to be those of the foods as sold except as provided for in the second subparagraph of Article 31(3))	Articles 1(3), 6 and 30(1) to (5) and the first subparagraph of Article 54(1)
53. Article 31(4), first subparagraph (requirement for declared values to be average values based on a methodology set out in the first subparagraph of Article 31(4))	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
54. Article 32(1) (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients)	Articles 1(3) and 6, the first subparagraph of Article 54(1) and Annex XV
55. Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres)	Articles 1(3), 6, 33(1), (2) and (3), the first subparagraph of Article 54(1) and Part B of Annex XIII
56. Article 32(3) (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes)	Articles 1(3), 6 and 30(2)(f), the first subparagraph of Article 54(1) and Part A of Annex XIII
57. Article 32(5) (requirement for additional statement relating to the reference intake of an average adult)	Articles 1(3), 6 and 32(4) (as read with Part B of Annex XIII) and the first subparagraph of Article 54(1)
58. Article 33(1) (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres)	Articles 1(3), 6 and 32(2), (3) and (4) and the first subparagraph of Article 54(1)
59. Article 33(2), second subparagraph (requirement for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or	Articles 1(3), 6, 30(3)(b) and 32(2), the first subparagraph of Article 33(2) and the first subparagraph of Article 54(1)

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consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only)	
60. Article 33(4) (requirement for the portion or unit used to be in close proximity to the nutrition declaration)	Articles 1(3), 6 and 33(1) and the first subparagraph of Article 54(1)
61. Article 34(1) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – field of vision, format and order of presentation)	Articles 1(3), 6 and 30(1) and (2), the first subparagraph of Article 54(1) and Annex XV
62. Article 34(2) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(2) – format and alignment of numbers)	Articles 1(3), 6, and 30(1) and (2), the second subparagraph of Article 34(3), Article 34(4) and the first subparagraph of Article 54(1)
63. Article 34(3), first subparagraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated (on a voluntary basis) in accordance with Article 30(3))	Articles 1(3), 6 and 30(3), the second subparagraph of Article 34(3) and the first subparagraph of Article 54(1)
64. Article 34(5), first subparagraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present)	Articles 1(3), 6 and 30(1) to (5) and the first subparagraph of Article 54(1)
65. Article 35(1) (requirements where additional forms of expression and presentation relating to energy value and the amount of nutrients are used)	Articles 1(3), 6, 7, 30(1) to (5), 32(2) and (4), 33 and 34(2), the first subparagraph of Article 54(1) and Annex VIII
66. Article 36(1) (requirements that voluntary information must comply with)	Articles 1(3) and 6, sections 2 and 3 of Chapter IV and the first subparagraph of Article 54(1)
67. Article 36(2) (additional requirements that voluntary information must comply with)	Articles 1(3), 6 and 7 and the first subparagraph of Article 54(1)
68. Article 37 (presentation of voluntary food information – space availability)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
69. Article 44(1)(a) (provision of allergen information for non-packaged food)	Articles 1(3), 6 and 9(1)(c), the first subparagraph of Article 54(1) and regulation 5
70. Article 54(2) (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13th December 2014 to and including 12th December 2016)	Articles 1(3), 6 and 29 to 35

PART 3

FIC provision in relation to which an improvement
notice may be served on and from 13th December 2016

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 9(1)(l) (mandatory nutrition declaration)	Articles 1(3), 6, 9(2), 11 and 16, section 3 of Chapter IV, Article 40, the second subparagraph of Article 54(1), the second subparagraph of Article 55, Annex V and regulation 3