



Wellington House  
133-155 Waterloo Road  
London SE1 8UG  
Tel: 020 7972 2000

7 August 2012

Dear Colleague,

### **EU Guidance on Tolerance**

The Commission has issued a further revised draft of its guidance on tolerance to be applied to nutrition labelling declared in accordance with Regulation (EU) No 1169/2011 on the Provision of Food Information to Consumers. The latest draft is attached to this letter (in both clean and track changes). The revised guidance reflects the outcome of the discussions in the recent Member State working group on 29<sup>th</sup> May 2012, and advice from the Advisory Group on the Food Chain.

Conclusions from the working group included in the document are that:

1. In table 1, for macronutrients option B (from the previous draft) will be implemented (more simple with only 3 categories and no anomalies between the categories) and option A for fatty acids.
2. In section 5 for vitamins and minerals the upper tolerance is the upper tolerance level taken from table 1 and an example for a 'reduced' claim has been added.
3. In section 6 the wording for 'rounding rules' has been changed to 'rounding guidelines' and an option to label either "0", or less than a given amount has been introduced in the last column

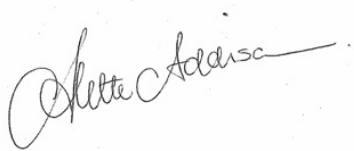
Recommendations from Advisory Group on the Food Chain and further discussions with interested parties incorporated into the revised draft include:

1. A paragraph introducing a transition period has been included. The Commission suggests a date of 31.12.2013 as the end date for this period and seeks comments on whether this is appropriate.
2. A separate category in table 1, 2 and 3 and 4 has been added for vitamin C to reflect its instability. A higher upper tolerance of 80% has been introduced instead of +50%.

3. Additional examples have been included in sections 3. and 4.
4. In Table 1: another option B has been introduced that consists of 3 categories, without anomalies between the categories, that is wider than the previous chosen option. In the final document, only 1 option will remain. This reflects stakeholders' views that the tolerance ranges in table 1 are too tight and that internationally a tolerance value of plus or minus (depending on the nutrient) of 20% is frequently used. The Commission is seeking views on whether this wider tolerance is acceptable. The Commission notes that for option B, a tolerance for fat of  $\pm 2$ g could be too wide at low levels ( $< 3$ g/100g), influencing the calorie declaration significantly. It proposes, if option B is generally accepted, that for fat additional restriction could be added. i.e. that between 10 and 3 g of fat per 100g a tolerance of  $\pm 2$  g be applied but below 3g per 100 g:  $\pm 1$  g is used. Comments are sought on this proposed addition.
5. In tables 1, 2 and 3 the upper tolerance level for minerals has been harmonised to +50%.
6. In section 4, the lower tolerance for vitamins and minerals was modified from - 15% to -20%. A tolerance level of 20% is internationally more common and ensures businesses are not required to operate to different standards in different markets.
7. In section 5 table 3 has been added to clarify the concept of tolerance for use when claims are made.
8. In tables 1-4 a footnote has been added to clarify that the tolerance does not apply to subcategories of saturates, mono-unsaturates and polyunsaturates e.g. omega 3 fatty acids.
9. A summary table has been included in section 7.
10. Following interested parties' concerns over the complexity of the scope of the document the Commission is seeking views as to whether section 5 should also apply to vitamin and mineral levels of foods fortified mandatorily according to Regulation 1925/2006.

If you have any views on the revised document, or comments on the areas the Commission has highlighted please forward them to Alette Addison ([alette.addison@dh.gsi.gov.uk](mailto:alette.addison@dh.gsi.gov.uk)) by 7<sup>th</sup> September 2012.

Yours faithfully,



**Alette Addison**