



The harmonisation of Swiss and EU food law

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The harmonisation of Swiss and EU food law

At a time when many countries are considering their relationships with the EU, Switzerland is seeking greater rationalisation between Swiss food law and EU regulations. This will be reflected in Switzerland's new General Food Law Revision, which comes into force in May 2017. In this white paper, Antonella Di Giampaolo and Valentina Capuano discuss some of the important details behind the regulatory changes.

Although the Swiss Confederation is not a member of the European Union (EU) and is not party to the agreement on the European Economic Area (EEA), Switzerland has amended its laws and ordinances (legal instruments equivalent to laws) on foodstuffs in an effort to harmonise its food legislation to a greater degree with its EU neighbours. It does not, "implement" EU directives as such. The bilateral agreement in place between Switzerland and the EU means food products which comply with EU legislation are likely to be acceptable in Switzerland. While the legislation is quite similar, however, there are some differences, which are discussed in this white paper.

A further and crucial step towards the harmonisation of Swiss food law with EU provisions is currently taking place with the new Swiss food legislative framework about to be published. According to a press release from Swiss authorities on the Federal Food Safety and Veterinary Office website, this General Food Law Revision will enter into force on 1 May 2017.

Transitional measures have been established for labelling of foodstuffs placed on the market

up to 4 years after the food law revision comes into force.

All these changes are part of a comprehensive food law revision, where the majority of Swiss food law will be aligned with the EU law.

Positive principle

Under the current legislation, foodstuffs not specifically complying with Swiss technical standards can be placed on the market in Switzerland only if an authorisation is requested (the so-called "positive principle").

When the latest revision comes into force, this principle will be completely inverted. From May 2017, a product can be placed on the Swiss market provided it is safe and complies with general Swiss food provisions such as labelling, additives, and contaminants. Switzerland will use the same approach as in the EU.

Food that so far required an authorisation shall no longer be subject to authorisation. For example, a product obtained from milk fat which does not contain the required percentage of fat in order to be described as "butter" according to the compositional standard will no longer require an authorisation. As before, it cannot be called

butter, however it may be sold on the Swiss market without authorisation under an appropriate name chosen by the food business operator. The only requirement is that the product name should not be misleading.

Two brand new ordinances will be introduced regarding novel food and food supplements, for which authorisation procedures will remain in place.

Labelling

Labelling regulatory changes will affect both prepacked and non-prepacked foods; these changes are discussed below.

Prepacked foods

Despite the new revisions aligning Swiss legislation with EU law, the obligation to indicate the country of production in Switzerland exists for all foodstuffs. Furthermore the indication of origin of the primary ingredient is also mandatory.

Where meat is used as a primary ingredient, the indication of origin will be mandatory according to the new rules if its amount is equal to or greater than 20% by weight.

The new food law revisions will introduce detailed requirements for the characterisation of fishery products (such as fishing area, fishing gear and method of production), as well as the mandatory indication of use of hormonal or non-hormonal substances which increase the animal performance. Such information must be provided in the same field of vision as the product name.

Within the food law review, it will introduce the mandatory nutritional declaration for all

prepacked food, in line with the new EU provisions in force from 13 December 2016.

Non-prepacked foods

New provisions will be introduced by the review, regarding the mandatory information for non-prepacked food, which now will include: the origin of meat and fish, allergens and the use of GMOs, particular technological procedures (i.e. ionizing radiation) or hormonal or non-hormonal substances for increasing animal performance. All this mandatory information must be given in written form.

Additives & flavourings

In 2013, the ordinance on additives was subjected to a total revision, in order to harmonise the Swiss provisions on additives with EU Regulation 1333/2008. As the Swiss additive ordinance is still fairly up to date following the 2013 revision, it will only be amended by the new revision.

Currently, flavourings are considered additives and flavouring provisions are placed in more than one ordinance.

Under the new food law, flavourings will be considered as ingredients and will be regulated by a specific ordinance which will be in line with Regulation (EU) 1334/2008.

Food safety & food hygiene

The review will also introduce changes regarding food safety and food hygiene.

The current ordinance on foreign substances (817.021.23) will be repealed, and its content will be divided into three new ordinances: one on the maximum residue levels of pesticides, the second concerning residues of

pharmacologically active substances and thirdly an ordinance on contaminants.

The last one will be a combination of Swiss and EU law, with the following general approach: where the maximum levels are not covered in EU legislation, but are established in the current Swiss law, then the national provisions will be maintained.

Fortification & foods for special groups

The harmonisation of the Swiss provision with EU regulations will apply also to fortified foodstuff and food for special groups e.g. infant formula.

However, Switzerland will keep the current provisions on voluntary fortification of salt, as well as the advertising provisions for such products.

Compositional standards

Lastly, one of the most important changes will affect the ordinances on compositional standards, mainly in the way they are structured.

Several compositional standards including those on cereals, legumes, vegetable proteins and their derivatives, oil and edible fat and products thereof will be introduced into two new ordinances (on foodstuffs of animal origin and on foodstuffs of non-animal origin).

These two ordinances will contain all the current individual compositional standards for those products. The same will happen for the new ordinance on beverages, where all the current compositional standards such as soft drinks, juices and nectars, alcoholic drinks, wine, spirit drinks, and mineral water, which

are currently regulated separately will be grouped together.

Many more changes will take effect once these revisions come into force in May 2017. This white paper serves as an overview of these changes as they currently stand, however it should not be read as an exhaustive explanation.

If you have any questions or need further clarification about Swiss food law, our regulatory department are only an email or phone call away:

legislation@leatherheadfood.com.

How Leatherhead can help

Despite the discussed harmonisation, differences between EU and Swiss food law are still in place. We can help companies to make sure that their EU labels are compliant with Swiss legislation. We can develop and conduct training about the differences between EU and Swiss legislation.

About the authors

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About Leatherhead Food Research

Leatherhead Food Research provides expertise and support to the global food and drink sector with practical solutions that cover all stages of a product's life cycle from consumer insight, ingredient innovation and sensory testing to food safety consultancy and global regulatory advice. Leatherhead operates a membership programme which represents a who's who of the global food and drinks industry. Supporting all members and clients, large or small, Leatherhead provides consultancy and advice, as well as training, market news, published reports and bespoke projects. Alongside the Member support and project work, our world-renowned experts deliver cutting-edge research in areas that drive long term commercial benefit for the food and drink industry.

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