

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Pravilnika o splošnem označevanju živil, ki niso predpakirana obsega:

- Pravilnik o splošnem označevanju živil, ki niso predpakirana (Uradni list RS, št. 66/16 z dne 21. 10. 2016),
- Pravilnik o spremembah Pravilnika o splošnem označevanju živil, ki niso predpakirana (Uradni list RS, št. 8/17 z dne 17. 2. 2017).

## **PRAVILNIK o splošnem označevanju živil, ki niso predpakirana**

**(neuradno prečiščeno besedilo št. 1)**

### **1. člen (vsebina)**

(1) Ta pravilnik za izvajanje točke b) prvega odstavka 44. člena Uredbe (EU) št. 1169/2011 Evropskega parlamenta in Sveta z dne 25. oktobra 2011 o zagotavljanju informacij o živilih potrošnikom, spremembah uredb (ES) št. 1924/2006 in (ES) št. 1925/2006 Evropskega parlamenta in Sveta ter razveljavitvi Direktive Komisije 87/250/EGS, Direktive Sveta 90/496/EGS, Direktive Komisije 1999/10/ES, Direktive 2000/13/ES Evropskega parlamenta in Sveta, direktiv Komisije 2002/67/ES in 2008/5/ES in Uredbe Komisije (ES) št. 608/2004 (UL L

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The unofficial consolidated version of the Rules on the general labelling of non-prepacked foods comprises:

- Rules on the general labelling of non-prepacked foods (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 66/16 of 21 October 2016),
- Rules Amending the Rules on the general labelling of non-prepacked foods (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 8/17 of 17 February 2017).

## **RULES On the general labelling of non-prepacked foods**

**(Unofficial consolidated version No. 1)**

### **Article 1 (Subject)**

(1) In implementing point b) of Article 44 (1) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC

št. 304 z dne 22. 11. 2011, str. 18), zadnjič spremenjene z Uredbo (EU) št. 2015/2283 Evropskega parlamenta in Sveta z dne 25. novembra 2015 o novih živilih, spremembi Uredbe (EU) št. 1169/2011 Evropskega parlamenta in Sveta in razveljavitvi Uredbe (ES) št. 258/97 Evropskega parlamenta in Sveta ter Uredbe Komisije (ES) št. 1852/2001 (UL L št. 327 z dne 11. 12. 2015, str. 1), (v nadaljnjem besedilu: Uredba 1169/2011/EU), določa način označevanja živil v prometu:

- ki niso predpakirana,
- ki so pakirana na mestu prodaje na zahtevo končnega potrošnika in
- ki so predpakirana za neposredno prodajo.

(2) Ta pravilnik se ne uporablja za obrate javne prehrane.

## **2. člen (postopek informiranja in klavzula)**

(1) Ta pravilnik se izda ob upoštevanju postopka informiranja v skladu z Direktivo (EU) 2015/1535 Evropskega parlamenta in Sveta z dne 9. septembra 2015 o določitvi postopka za zbiranje informacij na področju tehničnih predpisov in pravil za storitve informacijske družbe (UL L št. 241 z dne 17. 9. 2015, str. 1).

(2) Šteje se, da proizvodi, ki se zakonito tržijo v drugih državah članicah Evropske unije in Evropskega gospodarskega prostora ter Turčije, če so proizvedeni v skladu z njihovo nacionalno zakonodajo, ki zagotavlja enakovredno raven varovanja javnega interesa kot je določena v zakonodaji Republike Slovenije, izpolnjujejo zahteve iz tega zakona in se lahko dajo na trg, razen če je bil izpeljan postopek v skladu z Uredbo (ES) št. 764/2008 Evropskega parlamenta in Sveta z dne 9. julija 2008 o določitvi postopkov za uporabo nekaterih nacionalnih tehničnih pravil za proizvode, ki se zakonito tržijo v drugi državi članici in o razveljavitvi Odločbe št. 3052/95/ES (UL L št. 218 z dne 13. 8. 2008, str. 21).

and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p.18), as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1), (hereinafter: Regulation 1169/2011/EU), these Rules shall lay down the manner of labelling foods in transport:

- which are not prepacked,
- which are packed at the point of sale at the request of the final consumer,
- which are prepacked for direct sale.

(2) These Rules shall not apply to public mass catering establishments.

## **Article 2 (Information procedure and clause)**

(1) These Rules are issued taking into account the information procedure in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

(2) Products legally marketed in other Member States of the European Union and the European Economic Area and Turkey shall be deemed as being manufactured in accordance with their national legislation, which provides an equivalent level of protection of the public interest to that laid down in the legislation of the Republic of Slovenia, as fulfilling the requirements of this Act and which may be placed on the market, unless a procedure has been carried out in accordance with Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).

### **3. člen (izrazi)**

(1) Izrazi, uporabljeni v tem pravilniku, pomenijo:

- a) nosilec živilske dejavnosti je fizična ali pravna oseba, določena v 3. točki 3. člena Uredbe (ES) št. 178/2002 Evropskega parlamenta in Sveta z dne 28. januarja 2002 o določitvi splošnih načel in zahtevah živilske zakonodaje, ustanovitvi Evropske agencije za varnost hrane in postopkih, ki zadevajo varnost (UL L št. 31 z dne 1. 2. 2002, str. 1), zadnjič spremenjene z Uredbo (EU) št. 652/2014 Evropskega parlamenta in Sveta z dne 15. maja 2014 o določbah za upravljanje odhodkov v zvezi s prehransko verigo, zdravjem in dobrobitjo živali ter v zvezi z zdravjem rastlin in rastlinskim razmnoževalnim materialom, spremembi direktiv Sveta 98/56/ES, 2000/29/ES in 2008/90/ES, uredb (ES) št. 178/2002, (ES) št. 882/2004 in (ES) št. 396/2005 Evropskega parlamenta in Sveta, Direktive 2009/128/ES Evropskega parlamenta in Sveta in Uredbe (ES) št. 1107/2009 Evropskega parlamenta in Sveta ter razveljavitvi sklepov Sveta 66/399/EGS in 76/894/EGS ter Odločbe Sveta 2009/470/ES (UL L št. 652 z dne 27. 6. 2014, str. 1), (v nadaljnjem besedilu: Uredba 178/2002/ES);
- b) nepredpakirano živilo je živilo, ki se daje na trg v nepredpakirani obliki, živilo, ki je pakirano na prodajnem mestu na zahtevo potrošnika, ali živilo, ki je pakirano za neposredno prodajo;
- c) živilo, pakirano za neposredno prodajo, je živilo, ki ga nosilec živilske dejavnosti zapakira brez prisotnosti kupca v enem izmed svojih obratov ter ga trži v okviru istega ali drugih svojih obratov;
- č) obrat pomeni katerokoli poslovno enoto nosilca živilske dejavnosti v skladu s točko c) prvega odstavka 2. člena Uredbe (EU) št. 852/2004 Evropskega parlamenta in Sveta z dne 29. aprila 2004 o higieni živil (UL L št. 139 z dne 30. 4. 2004, str. 1), zadnjič spremenjene z Uredbo Komisije (EU) št. 579/2014 z dne 28. maja 2014 o odobritvi odstopanja od nekaterih določb Priloge II k Uredbi (ES) št. 852/2004 v zvezi s prevozom tekočih olj in maščob po morju (UL L št. 160 z dne 29. 5. 2015, str. 14).

### **Article 3 (Definitions)**

(1) For the purposes of these Rules, the following definitions shall apply:

- a) food business operator shall mean a natural or legal person defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 031, 01. 02. 2002, p. 1), last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (hereinafter: Regulation 178/2002/EC);
- b) non-prepacked food shall mean a product placed on the market in a non-prepacked form, a food that is packed at the point of sale at the consumer's request, or a food that is packed for direct sale;
- c) food packed for direct sale shall mean food packed by a food business operator without the presence of a buyer in one of the operator's establishments and marketed within the same or its other establishments;
- č) establishment shall mean any place of business of the food business operator in accordance with point c) of paragraph one of Article 2 of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1), last amended by Commission Regulation (EU) No 579/2014 of 28 May 2014 granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea (OJ L 160, 29.5.2014, p. 14).

(2) Poleg izrazov, navedenih v prejšnjem odstavku, se za namen tega pravilnika uporabljajo tudi opredelitve pojmov iz 2. člena Uredbe 1169/2011/EU.

#### **4. člen (obvezne informacije za nepredpakirana živila)**

(1) Na prodajnem mestu morajo biti za vsa nepredpakirana živila zagotovljene najmanj naslednje informacije:

- a) ime živila v skladu s prvim do četrtem odstavkom 17. člena Uredbe 1169/2011/EU;
- b) navedbe iz 2. točke dela A priloge VI Uredbe 1169/2011/EU za živila, ki so bila pred prodajo zamrznjena in se prodajajo kot odtajana;
- c) ime ali naziv in naslov ali sedež nosilca živilske dejavnosti, ki je odgovoren za zagotovitev informacij o živilu, pod čigar imenom se živilo trži, ali v primeru uvoza iz tretje države naziv uvoznika na trg Evropske unije (v nadaljnjem besedilu: EU);
- č) država porekla ali kraj izvora za sveže, ohlajeno in zamrznjeno prašičje, ovčje, kozje in perutninsko meso v skladu z Izvedbeno Uredbo Komisije (EU) št. 1337/2013 z dne 13. decembra 2013 o določitvi pravil za uporabo Uredbe (EU) št. 1169/2011 Evropskega parlamenta in Sveta v zvezi z navedbo države izvora ali kraja porekla za sveže, ohlajeno in zamrznjeno prašičje, ovčje, kozje in perutninsko meso (UL L št. 335 z dne 14. 12. 2013, str. 19);
- d) kategorija oziroma razred živila, če sta predpisana s posebnimi predpisi za nepredpakirana živila;
- e) podatki o alergenih iz priloge II Uredbe 1169/2011/EU, navedeni na označbi na živilu, neposredno ob živilu, na katerega se nanašajo, ali v zbirni obliki na mestih, kjer so nepredpakirana živila predstavljena (npr. katalog); navedba alergenov ne sme biti prekrita z drugim besedilnim ali slikovnim materialom.

(2) Za živila, pakirana za neposredno prodajo, ki se tržijo v drugem obratu istega nosilca živilske dejavnosti, kot so bila zapakirana, morajo biti poleg podatkov iz prejšnjega odstavka navedeni podatki o neto količini in podatki o datumu uporabe:

(2) In addition to the terms referred to in the preceding paragraph, the definitions in Article 2 of Regulation 1169/2011/EU shall apply for the purposes of these Rules.

#### **Article 4 (Mandatory information for non-prepacked foods)**

(1) At the point of sale, all non-prepacked foods shall be furnished with at least the following information:

- a) the name of the food in accordance with paragraphs one to four of Article 17 of Regulation 1169/2011/EU;
- b) the particulars referred to in point 2 of Part A of Annex VI to Regulation 1169/2011/EU for foods that have been frozen before sale and which are sold defrosted;
- c) the name or title and address or registered office of the food business operator responsible for providing the food information and under whose name the food will be marketed or, in the case of imports from a third country, the name of the importer on the market of the European Union (hereinafter: EU);
- č) country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry in accordance with Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ L 335, 14.12.2013, p. 19);
- d) the category and/or class of the food, if prescribed by special provisions for non-prepacked foods;
- e) the information on allergens referred to in Annex II to Regulation 1169/2011/EU, indicated on the label of the food, directly adjacent to the food to which it relates or, in aggregate form in places where non-prepacked foods are presented (e.g. catalogue); the indication on allergens should not be covered by other text or imagery.

(2) For foods packed for direct sale which are marketed in another establishment of the same food business operator that packed them, the information on the net quantity and the "use by" date shall be indicated in addition to the information referred to in the preceding

- za živila, ki so z mikrobiološkega vidika hitro pokvarljiva: v skladu s 24. členom in 2. točko pod a) in c) iz priloge X Uredbe 1169/2011/EU;
- za živila, ki z mikrobiološkega vidika niso hitro pokvarljiva: v skladu s 24. členom in 1. točko iz priloge X Uredbe 1169/2011/EU.

(3) Ne glede na prejšnji odstavek podatka o neto količini ni treba navesti za živila, ki se jih trži po kosih (npr. sendviči).

(4) Informacije, navedene v prvem in drugem odstavku tega člena, morajo biti v slovenskem jeziku in v pisni obliki nameščene na prodajnem mestu, na živilu ali neposredno ob živilu, na katero se nanašajo.

#### **5. člen (prostovoljne informacije)**

Dodatne prostovoljne informacije v zvezi z nepredpakiranimi živili morajo biti navedene v skladu s V. poglavjem Uredbe 1169/2011/EU.

#### **6. člen (prodaja na daljavo)**

(1) V primeru ponudbe nepredpakiranih živil za prodajo s sredstvi za komuniciranje na daljavo je treba zagotoviti informacije iz 4. člena tega pravilnika, razen podatkov iz drugega odstavka 4. člena tega pravilnika. Navedba informacije iz točke č) prvega odstavka 4. člena tega pravilnika je prostovoljna.

(2) Pred prodajo morajo biti informacije iz prejšnjega odstavka navedene na priloženem dokumentu za prodajo na daljavo ali jih je treba zagotoviti z drugimi ustreznimi sredstvi, ki jih jasno opredeli nosilec živilske dejavnosti brez dodatnih stroškov za potrošnika.

paragraph:

- for foods which from a microbiological point of view are highly perishable: in accordance with Article 24 and point 2 under (a) and (c) of Annex X to Regulation 1169/2011/EU;
- for foods which from a microbiological point of view are not highly perishable: in accordance with Article 24 and point 1 of Annex X to Regulation 1169/2011/EU.

(3) Notwithstanding the preceding paragraph, there is no need for the information on the net quantity to be given for foods marketed in pieces (e.g. sandwiches).

(4) The information referred to in paragraphs one and two of this Article shall be placed in the Slovenian language and in writing at the point of sale, on the food or directly adjacent to the food to which it relates.

#### **Article 5 (Voluntary information)**

Additional voluntary food information as regards non-prepacked foods shall be provided in accordance with Chapter V of Regulation 1169/2011/EU.

#### **Article 6 (Distance selling)**

(1) In the case of non-prepacked foods offered for sale by means of distance communication, the information referred to in Article 4 of these Rules shall be provided, except for the information referred to in paragraph two of Article 4 of these Rules. The indication of the information referred to in point č) of paragraph one of Article 4 of these Rules shall be voluntary.

(2) Prior to sale, the information referred to in the preceding paragraph shall be indicated on the attached document for distance selling or shall be provided by other appropriate means clearly identified by the food business operator at no additional cost to the consumer.

(3) Ob dobavi živila iz prvega odstavka tega člena mora nosilec živilske dejavnosti zagotoviti podatke iz točke č) prvega odstavka in podatke iz drugega odstavka 4. člena tega pravilnika.

#### **7. člen (prenehanje veljavnosti in uporabe)**

(1) Z dnem uveljavitve tega pravilnika preneha veljati Pravilnik o splošnem označevanju živil, ki niso predpakirana (Uradni list RS, št. 28/04, 10/05, 57/05, 115/06 in 45/08 – ZKme-1).

(2) Z dnem uveljavitve tega pravilnika se prenehajo uporabljati devetnajsti odstavek 2. člena, tretja, četrta in peta alineja drugega odstavka 11. člena, četrta in peta alineja prvega odstavka 12. člena, tretja alineja prvega odstavka in drugi odstavek 14. člena in 16. člen Pravilnika o označevanju in kategorizaciji svinjskega mesa (Uradni list RS, št. 33/04, 10/05, 45/08 – ZKme-1 in 61/16).

#### **8. člen (začetek veljavnosti)**

Ta pravilnik začne veljati 6. februarja 2017.

(3) When supplying the foods referred to in paragraph one of this Article, the food business operator shall provide the information referred to in point č) of paragraph one and the information referred to in paragraph two of Article 4 of these Rules.

#### **Article 7 (End of validity and application)**

(1) On the day these Rules enter into force, the Rules on the general labelling of non-prepacked foods (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/04, 10/05, 57/05, 115/06 and 45/08 – ZKme-1) shall cease to be in force.

(2) On the day these Rules enter into force, paragraph nineteen of Article 2, indents one, four and five of paragraph two of Article 11, indents four and five of paragraph one of Article 12, indent three of paragraph one and paragraph two of Article 14 and Article 16 of the Rules on labelling and categorization of meat of swine (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 33/04, 10/05, 45/08 – ZKme-1 and 61/16) shall cease to apply.

#### **Article 8 (Entry into force)**

These Rules shall enter into force on 6 February 2017.