

Opozorilo: Besedilo osnovnega predpisa

Na podlagi sedmega odstavka 21. člena Zakona o Vladi Republike Slovenije (Uradni list RS, št. 24/05 – uradno prečiščeno besedilo, 109/08, 38/10 – ZUKN, 8/12, 21/13 in 47/13 – ZDU-1G) v zvezi z 32. in 40. členom Zakona o državni upravi (Uradni list RS, št. 113/05 – uradno prečiščeno besedilo, 126/07 – ZUP-E, 48/09, 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12, 21/13 – ZVRS-G in 47/13) izdaja Vlada Republike Slovenije

UREDBO
o izvajanju uredbe (EU) o zagotavljanju informacij o živilih
potrošnikom

1. člen
(vsebina)

S to uredbo se določata pristojna organa za izvajanje uradnega nadzora nad informacijami o živilih, način označevanja alergenov v nepredpakiranih živilih in kazenske določbe za izvajanje 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

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Pursuant to paragraph seven of Article 21 of the Government of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 24/05 – official consolidated text, 109/08, 38/10 – ZUKN, 8/12, 21/13 and 47/13 – ZDU-1G) in conjunction with Article 32 and Article 40 of the Public Administration Act (Official Gazette of Republic of Slovenia [*Uradni list RS*], Nos 113/05 – official consolidated text, 126/07 – ZUP-E, 48/09, 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12, 21/13 – ZVRS-G and 47/13) the Government of the Republic of Slovenia hereby issues the following

DECREE
implementing the Regulation (EU) on the provision of food
information to consumers

Article 1
(Subject)

This Decree lays down the authorities competent for implementing official control of food information, the manner of labelling allergens in non-pre-packaged foods and penal provisions applicable in the enforcement 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

parlamenta in Sveta, direktiv Komisije 2002/67/ES in 2008/5/ES in Uredbe Komisije (ES) št. 608/2004 (UL L št. 304 z dne 22. 11. 2011, str. 18; v nadaljnjem besedilu: Uredba 1169/2011/EU).

2. člen (pristojna organa)

(1) Pristojni organ za izvajanje uradnega nadzora nad izvajanjem Uredbe 1169/2011/EU in te uredbe je Uprava Republike Slovenije za varno hrano, veterinarstvo in varstvo rastlin.

(2) Ne glede na prejšnji odstavek je v delu, ki se nanaša na prehranska dopolnila in živila za posebne prehranske oziroma zdravstvene namene, proizvodnjo in promet materialov, ki prihajajo v stik z živilom, njihovo uporabo v postopkih proizvodnje in distribucije prehranskih dopolnil ter živil za posebne prehranske oziroma zdravstvene namene, pitne vode, živil oziroma hrane v gostinski dejavnosti, institucionalnih obratih prehrane in obratih za prehrano na delu z vidika preprečevanja in obvladovanja nalezljivih bolezni, pristojni organ za izvajanje uradnega nadzora nad izvajanjem Uredbe 1169/2011/EU in te uredbe Zdravstveni inšpektorat Republike Slovenije.

3. člen (označevanje alergenov v nepredpakiranih živilih, namenjenih končnim potrošnikom, in v obratih javne prehrane)

(1) V skladu z (b) točko prvega odstavka in drugim odstavkom 44. člena Uredbe 1169/2011/EU morajo biti 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 alergena mora biti na dobro vidnem mestu, nedvoumna, čitljiva, neizbrisna in ne sme biti prekrita z drugim besedilnim ali slikovnim materialom.

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 and Commission Regulation (EC) No 608/2004 (OJ L 304, 22. 11. 2011, p. 18; hereinafter: Regulation 1169/2011/EU).

Article 2 (Competent authorities)

(1) The authority competent for official control of the implementation of Regulation 1169/2011/EU and of this Decree shall be the Administration of the Republic of Slovenia for Food Safety, Veterinary and Plant Protection.

(2) Notwithstanding the preceding paragraph, as concerns the part relating to food supplements and foodstuffs intended for particular nutritional and health uses, the manufacture and placing on the market of food contact materials, their use in the processes of production and distribution of food supplements and foodstuffs intended for particular nutritional and health uses, drinking water, foodstuffs and food in the catering industry, institutional caterers and industrial caterers in the light of prevention and control of communicable diseases, the authority competent for official control of the implementation of Regulation 1169/2011/EU and of this Decree shall be the Health Inspectorate of the Republic of Slovenia.

Article 3 (Labelling of allergens in non-pre-packaged foods intended for final consumers and in mass catering)

(1) In accordance with Article 44(1)(b) and Article 44(2) of Regulation 1169/2011/EU, the information on allergens listed in Annex II to Regulation 1169/2011/EU must be included in the food label, in close proximity of the food to which it pertains, or provided in aggregated form in places where non-pre-packaged foods are presented (such as catalogues). The allergen information shall be marked in a conspicuous place, unequivocal, legible, indelible and shall not be hidden by any other written or pictorial matter.

(2) Ne glede na prejšnji odstavek morajo biti alergeni v živilih, ki se prodajajo v obratih javne prehrane, navedeni najmanj na enem od mest, kjer je predstavljena ponudba jedi (npr. jedilni list, pano, plakat, ekran).

4. člen (hujše kršitve)

(1) Z globo od 6.000 do 30.000 eurov se kaznuje za prekršek pravna oseba, če:

- da v promet živilo, ki ni skladno z zahtevami iz prvega odstavka 7. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni skladno z zahtevami iz točk (a), (b), (c), (f), (h) ali (i) prvega odstavka 9. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni skladno z zahtevami iz prvega odstavka 10. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni skladno z zahtevami iz drugega odstavka 12. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni v skladu s prvim odstavkom 15. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni skladno z zahtevami iz 17. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni skladno z zahtevami iz prvega, drugega ali tretjega odstavka 18. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki ni označeno v skladu s prvim odstavkom 21. člena Uredbe 1169/2011/EU in vsebuje snovi ali proizvode, ki povzročajo alergije ali preobčutljivost,
- da v promet živilo, ki ni skladno s prvim odstavkom 24. člena Uredbe 1169/2011/EU,
- da v promet živilo, ki nima označenega izvora države in kraja porekla skladno s prvim, drugim ali tretjim odstavkom 26. člena Uredbe 1169/2011/EU.

(2) Notwithstanding the preceding paragraph, the allergen content in foods sold by mass caterers shall be indicated in at least one place where the offer of dishes is presented (such as menu, panel, poster, or screen).

Article 4 (Serious violations)

(1) Legal persons shall be fined from EUR 6,000 to EUR 30,000 for the offences of:

- placing on the market foods which do not comply with the requirements specified in paragraph one of Article 7 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in points (a), (b), (c), (f), (h), or (i) of paragraph one of Article 9 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in paragraph one of Article 10 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in paragraph two of Article 12 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in paragraph one of Article 15 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in Article 17 of Regulation 1169/2011/EU,
- placing on the market foods which do not comply with the requirements specified in paragraph one, two, or three of Article 18 of Regulation 1169/2011/EU,
- placing on the market foods not labelled in accordance with paragraph one of Article 21 of Regulation 1169/2011/EU, which contain substances or products causing allergies or intolerances,
- placing on the market foods which do not comply with paragraph one of Article 24 of Regulation 1169/2011/EU,
- placing on the market foods which do not contain an indication of the country of origin or place of provenance in accordance with paragraphs one, two, or three of Article 26 of Regulation 1169/2011/EU.

(2) Z globo od 3.000 do 6.000 eurov se kaznuje za prekršek iz prejšnjega odstavka tudi samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost.

(3) Z globo od 1.500 do 3.000 eurov se kaznuje za prekršek iz prvega odstavka tega člena tudi odgovorna oseba pravne osebe, odgovorna oseba samostojnega podjetnika posameznika ali odgovorna oseba posameznika, ki samostojno opravlja dejavnost.

(4) Z globo od 1.000 do 1.200 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi posameznik.

5. člen (druge kršitve)

(1) Z globo od 3.000 do 15.000 eurov se kaznuje za prekršek pravna oseba, če:

- a) označi, oglašuje ali predstavi živilo na način, ki ni v skladu:
- z drugim ali tretjim odstavkom 7. člena Uredbe 1169/2011/EU,
 - s točkami (d), (e), (g), (j), (k) ali (l) prvega odstavka 9. člena Uredbe 1169/2011/EU,
 - s 13. členom Uredbe 1169/2011/EU,
 - s prvim odstavkom 22. člena Uredbe 1169/2011/EU,
 - s prvim odstavkom 23. člena Uredbe 1169/2011/EU,
 - z 2. točko 24. člena Uredbe 1169/2011/EU,
 - s 25. členom Uredbe 1169/2011/EU,
 - s prvim odstavkom 27. člena Uredbe 1169/2011/EU,
 - z 28. členom Uredbe 1169/2011/EU,
 - s prvim ali drugim odstavkom 36. člena Uredbe 1169/2011/EU,
 - s 37. členom Uredbe 1169/2011/EU;
- b) označbe hranilne vrednosti niso v skladu:
- s prvim do petim odstavkom 30. člena Uredbe 1169/2011/EU,
 - s prvim, tretjim in četrtim odstavkom 31. člena Uredbe 1169/2011/EU,
 - z 32. členom Uredbe 1169/2011/EU,
 - s prvim, drugim, tretjim ali četrtim odstavkom 33. člena Uredbe 1169/2011/EU,
 - s prvim, drugim, tretjim, četrtim ali petim odstavkom 34. člena Uredbe 1169/2011/EU,

(2) Individual sole traders or individuals who perform independent activities shall also be fined from EUR 3,000 to EUR 6,000 for the offences referred to in the preceding paragraph.

(3) The responsible person of the legal person or of an individual sole trader shall also be fined from EUR 1,500 to EUR 3,000 for the offences referred to in paragraph one of this Article.

(4) An individual shall be fined from EUR 1,000 to EUR 1,500 for the offences referred to in paragraph one of this Article.

Article 5 (Other violations)

(1) Legal persons shall be fined from EUR 3,000 to EUR 15,000 for the offences of:

- a) labelling, advertising, or presenting foods in a manner contrary to:
- paragraph two or three of Article 7 of Regulation 1169/2011/EU,
 - points (d), (e), (g), (j), (k), or (l) of paragraph one of Article 9 of Regulation 1169/2011/EU,
 - Article 13 of Regulation 1169/2011/EU,
 - paragraph one of Article 22 of Regulation 1169/2011/EU,
 - paragraph one of Article 23 of Regulation 1169/2011/EU,
 - paragraph two of Article 24 of Regulation 1169/2011/EU,
 - Article 25 of Regulation 1169/2011/EU,
 - paragraph one of Article 27 of Regulation 1169/2011/EU,
 - Article 28 of Regulation 1169/2011/EU,
 - paragraph one or two of Article 36 of Regulation 1169/2011/EU,
 - Article 37 of Regulation 1169/2011/EU;
- b) providing nutrition declarations contrary to:
- paragraphs one to five of Article 30 of Regulation 1169/2011/EU,
 - paragraphs one, three, and four of Article 31 of Regulation 1169/2011/EU,
 - Article 32 of Regulation 1169/2011/EU,
 - paragraph one, two, three, or four of Article 33 of Regulation 1169/2011/EU,
 - paragraph one, two, three, four, or five of Article 34 of Regulation 1169/2011/EU,

- s prvim ali drugim odstavkom 35. člena Uredbe 1169/2011/EU;
- c) dobavlja živila, za katera na podlagi informacij, ki jih ima kot strokovnjak, ve ali domneva, da niso skladna z Uredbo 1169/2011/EU (tretji odstavek 8. člena Uredbe 1169/2011/EU);
- č) spreminja informacije, ki spremljajo živilo in lahko te spremembe zavedejo končnega potrošnika ali drugače znižajo raven varstva potrošnikov ali zmanjšajo možnosti končnih potrošnikov za ozaveščeno izbiro (četrti odstavek 8. člena Uredbe 1169/2011/EU).

(2) Z globo od 1.200 do 7.500 eurov se za prekršek iz prejšnjega odstavka kaznuje tudi samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost.

(3) Z globo od 1.000 do 3.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi odgovorna oseba pravne osebe ali odgovorna oseba samostojnega podjetnika posameznika ali odgovorna oseba posameznika, ki samostojno opravlja dejavnost.

(4) Z globo od 500 do 1.500 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi posameznik.

KONČNE DOLOČBE

6. člen (prenehanje veljavnosti)

(1) Pravilnik o splošnem označevanju predpakiranih živil (Uradni list RS, št. 50/04, 43/05, 83/05, 115/05, 118/07 in 45/08 – ZKme-1) preneha veljati 13. decembra 2014, 29. in 30. člen pa se še naprej uporabljata.

(2) Pravilnik o označevanju hranilne vrednosti živil (Uradni list RS, št. 60/02, 117/02, 42/03, 121/04, 81/07 in 87/09) preneha veljati 13. decembra 2014.

- paragraph one or two of Article 35 of Regulation 1169/2011/EU,
- c) supplying foods they know or presume, on the basis of the information in their possession as professionals, to be non-compliant with Regulation 1169/2011/EU (paragraph three of Article 8 of Regulation 1169/2011/EU);
- č) modifying the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices (paragraph four of Article 8 of Regulation 1169/2011/EU).

(2) Individual sole traders or individuals who perform independent activities, shall also be fined from EUR 1,200 to EUR 7,500 for the offences referred to in the preceding paragraph.

(3) The responsible person of the legal person or of an individual sole trader shall also be fined from EUR 1,000 to EUR 3,000 for the offences referred to in paragraph one of this Article.

(4) An individual shall be fined from EUR 500 to EUR 1,500 for the offences referred to in paragraph one of this Article.

FINAL PROVISIONS

Article 6 (End of validity)

(1) The Rules on the general labelling of pre-packaged foodstuffs (Official Gazette of Republic of Slovenia [*Uradni list RS*], Nos 50/04, 43/05, 83/05, 115/05, 118/07, and 45/08 – ZKme-1) shall cease to be in force on 13 December 2014; Articles 29 and 30 shall continue to apply.

(2) The Rules on nutritional labelling of foodstuffs (Official Gazette of Republic of Slovenia [*Uradni list RS*], Nos 60/02, 117/02, 42/03, 121/04, 81/07 and 87/09) shall cease to be in force on 13 December 2014.

7. člen
(začetek veljavnosti)

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije, 3. člen te uredbe pa se začne uporabljati 13. decembra 2014.

Št. 00728-1/2014
Ljubljana, dne 16. januarja 2014
EVA 2013-2330-0101

Vlada Republike Slovenije

mag. Alenka Bratušek l.r.

Predsednica

Article 7
(Entry into force)

This Decree shall enter into force on the day following its publication in the Official Gazette of Republic of Slovenia, Article 3 of this Decree shall apply from 13 December 2014.

No 00728-1/2014
Ljubljana, 16 January 2014
EVA 2013-2330-0101

Government of the
Republic of Slovenia
Alenka Bratušek, MSc,
m.p.
President