

# GOVERNMENT OF ROMANIA



## DECISION

### **approving the use of the NUTRI-SCORE nutritional labelling system**

Having regard to:

- *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 and Commission Regulation (EC) No 608/2004 and in particular article 36;*

- *Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, and in particular its provisions on nutrition claims;*

- *Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, and in particular its provisions on nutrition claims;*

Pursuant to Article 108 of the Romanian Constitution, republished, and Article 6(1)(a) of Government Ordinance No 21/1992 on consumer protection, republished, as amended and supplemented;

*the Government of Romania hereby adopts this Decision.*

**Article 1.** In order to improve the level of consumer information on food products being marketed on the territory of Romania, the necessary institutional framework is established for the application of the provisions of Article 36 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 and Commission Regulation (EC) No 608/2004, Official Journal of the European Union, Series L, No. 304 of 22.11.2011, hereinafter referred to as the Regulation.

**Article 2.** 1. Economic operators marketing food in physically or online authorised premises may place on the market foods bearing the “NUTRI-SCORE” logo on the label with the obligation to ensure that consumers are fully, correctly and accurately informed about the nutritional values of the products covered by these special claims.

2. The “Nutri-Score” logo shall be used in accordance with the Procedure for the use of the “NUTRI-SCORE” logo approved by the French Public Health Agency, setting out the rules for its use, in accordance with the Annex, which forms an integral part of this Decision.

**Article 3.** The National Authority for Consumer Protection shall act as the Regulator in accordance with the definition of the role laid down in the Procedure for the use of the “NUTRI-SCORE” logo approved by the French Public Health Agency and is responsible for enforcing this legislative act.

**Article 4.** This Decision shall enter into force 60 days after publication in the Official Gazette of Romania, Part I.

This Decision was adopted in accordance with the notification procedure laid down in 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 the rules on Information Society services, transposed into Romanian law by Government Decision No 1016/2004 on measures for the organisation and exchange of information in the field of technical standards and regulations and of the rules on Information Society services between Romania and the Member States of the European Union, as well as the European Commission, as subsequently amended and supplemented.

**INTERIM PRIME MINISTER**

## **Annex I: Aspects concerning the procedure provided in the rules for the use of the “Nutri-Score” logo approved by the French Public Health Agency**

### **I. Procedure for the use of the “Nutri-Score” logo**

The full version, updated on 17 March 2025, approved by the French Public Health Agency, can be viewed on the website: [march2025CoU\\_EN.pdf](#).

#### **PREAMBLE**

Regulation (EU) No 1169/2011 of 25 October 2011 on the provision of food information to consumers requires food operators to affix mandatory particulars to their products in order to ensure a high level of protection of the health and interests of consumers by providing the final consumer with the basis on which he or she can make informed decisions and use food safely, respecting, inter alia, health, economic, ecological, social and ethical considerations.

Articles 29 et seq. of the European Regulation lay down the rules for one of these statements, namely the Mandatory Nutrition Declaration including information on nutritional characteristics allowing consumers, including those who must follow a special diet, to make informed choices.

In order to facilitate the understanding of this declaration, Article 36 of the European Regulation gives the possibility to affix complementary forms of expression or representations in the form of graphics or symbols, provided that these forms and representations comply with criteria which are demanding in terms of quality and comprehensibility.

The French Public Health Agency (Santé Publique France) is a public administrative establishment of the French State, responsible in particular for health promotion, has drawn up, on the basis of the work of the National Institute of Health and Medical Research, signage meeting the criteria laid down in the European Regulation. This signage, hereinafter referred to as “logo”, has been filed with INPI (National Institute of Industrial Property) and EUIPO (European Intellectual Property Office) for the protection of industrial designs and as a collective mark.

A user regulation was drawn up for the exploitation of this logo on 17 March 2025, approved by the French Public Health Agency, can be viewed on the website: [march2025CoU\\_EN.pdf](#). Rules of Use define the persons entitled to use this logo, the conditions of use of the logo and the graphic charter to be complied with, and the sanctions that may affect non-compliance with the Rules of Use. If such persons fulfil the conditions laid down in these Rules of Use and comply with them throughout their use of the logo, several rights of use shall be automatically granted to them on the logo, which differ depending on whether the products are covered by their applications or notifications. Operators are informed that the French Public Health Agency may suspend or terminate all or part of the rights of use granted to them on the logo under the conditions laid down in these Rules of Use.

The first edition of these Rules of Use was approved by the French Public Health Agency on 12 May 2017.

The French Public Health Agency will verify the relevance of these Rules of Use in the light of the evolution of the activity concerned, so that the Rules of Use may be revised.

Next, this specification will describe the steps that an operator must follow, for products distributed in France, exclusively or not, in accordance with the Rules of Use of the “NUTRI-SCORE” logo, version updated on 17 March 2025, approved by the French Public Health Agency. This procedure ensures the correct, transparent and uniform use of the Nutri-Score logo in different countries. Operators wishing to participate must comply with all requirements

concerning the registration, use and promotion of the logo. Failure to comply with the rules may lead to sanctions, withdrawal of the right of use or legal action by the competent authorities.

## **Article 1. DEFINITIONS**

1.1 – “Specifications” means the Specifications attached (Annex 1).

1.2 – “Graphic charter” means the graphic charter formalising the graphical arrangements for the use of the logo, as set out in the Annex (Annex 2).

1.3 – “Generic communication” means the general purpose promotional communication of the Operator not specifically aimed at one or more products.

1.4 – “Mandatory nutrition declaration” means the declaration provided for in Article 30 et seq. of the European Regulation.

1.5 – “Application” means the application for registration of an operator in the Rules of Use.

1.6 – “EUIPO” means the European Union Intellectual Property Office.

1.7 – “Operator” means any natural or legal person authorised to use the logo on the products (as defined below) pursuant to the Rules of Use. As such, the term “rightholder operator” means the rightholder operator or Licensee exclusive of the intellectual property rights on his source products and “distributor operator” means the operator who makes any lawful commercial exploitation of distributed products with the direct or indirect agreement of the rightholder operator. An operator may be the rightholder operator of his source products and distributor operator of the distributed products at the same time.

1.8 – “INPI” means the National Institute of Industrial Property.

1.9 – “Logo” means registered “Nutri-Score” signs:

— at INPI, as a collective mark, on 28 April 2017 under numbers 4357857 and 4357865;

— and at EUIPO, as a collective mark, on 19 May 2017, under numbers 016762312 and 016762379 and as industrial designs, on 20 July 2017, under numbers 004112415-0001, 004112415-0002 and 004112415-0003.

The logo is composed of:

— 5 logotypes, hereinafter referred to as the “classifying logo” with the 5 classifications of products on the nutritional scale, associated with the word “Nutri-Score”.

— A neutral logotype, hereinafter referred to as the “neutral logo”, developed solely for the purpose of generic communication or with the exception of Article 6 paragraph 2, and presenting the nutritional scale, without prioritisation, associated with the word “Nutri-Score”.

1.10 – “Notification” means the additional notification of a distributor operator indicating the distributed products for which he exercises the rights set out in the Rules of Use.

1.11 – “Products” means foodstuffs subject to the mandatory nutrition declaration requirement. As such, “source products” means the products identified by a rightholder operator in an application and “distributed products” means the products identified by a distributor operator in a notification. The source products of a rightholder operator can thus be qualified as distributed products for a distributor operator.

1.12 – “Rules of Use” means these Rules of Use of the logo and its annexes.

1.13 – “European Regulation” means 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 and Commission Regulation (EC) No 608/2004;

1.14 – “The French Public Health Agency (Santé Publique France)” means the French Public Health Agency, a public administrative establishment of the State, represented by its Director General and exclusive owner of the logo.

## **Article 2. OBJECT**

The purpose of the Rules of Use is to define the terms and conditions of use of the logo by the rightholder operator or by the distributor operator according to the categories of products.

## **Article 3. IDENTIFICATION OF THE LOGO**

The “Nutri-Score” logo was designed by the French Public Health Agency in accordance with the prerogatives laid down in Article 35 of the European Regulation.

It is a form complementary to the mandatory nutrition declaration and is intended to help the consumer to take into account the nutritional quality of the products he purchases by classifying the food in the 5-tier nutritional scale, calculated in accordance with the provisions of the Specifications annexed to these Rules of Use.

It consists of 5 classifying logos and 1 neutral logo.

Any use of the logo constitutes formal acceptance of the provisions of the Rules of Use.

Only an operator may affix the logo in accordance with the terms of use set out below.

## **Article 4. LOGO OWNER**

The operator acknowledges that the French Public Health Agency is the full owner of the logo.

The right of use of the logo under the Rules of Use does not transfer any ownership rights to the logo.

## **Article 5. BENEFICIARIES OF A RIGHT TO USE THE LOGO**

### **5.1. - Eligible persons**

The use of the logo is reserved for natural or legal persons, manufacturers and distributors of products placed on the French and/or European market, subject to compliance with the conditions of the Rules of Use.

Software and application publishers, as well as journalists wishing to use the Nutri-Score logo, should first contact the French Public Health Agency at the address [nutriscore@santepubliquefrance.fr](mailto:nutriscore@santepubliquefrance.fr) in order to receive the terms of use of the logo. The graphic charter associated with the logo must be expressly respected by these third parties.

### **5.2. - Procedure for obtaining the right of use for source products**

#### **5.2.1. - Registration**

Prior to registration, the operator must read the entire registration procedure described on the website of the French Public Health Agency dedicated to the Nutri-Score logo: <https://www.santepubliquefrance.fr/en/nutri-score>.

For products distributed in France, exclusively or not, the operator shall register its application following the registration procedure described on the website: [https://www.demarches-simplifiees.fr/commencer/nutri-score\\_enregistrement\\_france](https://www.demarches-simplifiees.fr/commencer/nutri-score_enregistrement_france).

**The registration procedure consists of the following steps:**

Having identified itself in its user account on the website, the operator will:

- **identify:**

- o for each registered Trademark, all categories of distributed or manufactured “products” (products means foods subject to the nutrition declaration obligation provided for in Article 30 of Regulation (EU) No 1169/2011 “INCO”);
- o all mandatory fields in the procedure on the website.
- **will undertake to:**
  - o ensure the veracity and update of the declared information;
  - o use the collective mark “Nutri-Score” for all products which it manufactures or distributes under all its trademarks;
  - o use the logo in accordance with the Rules of Use.

Upon completion of this registration, all the elements necessary for the use of the “Nutri-Score” logo will be sent by the French Public Health Agency via an acknowledgement of receipt to the e-mail address of the contact person declared in the registration procedure.

For brands distributed in several territories (possibly including France) or in a territory where the regulator has not established its own enforcement procedure (e.g.: Germany, Belgium and Luxembourg), operators must register on the following website:

[https://www.demarches-simplifiees.fr/commencer/ns\\_international\\_registration\\_procedure](https://www.demarches-simplifiees.fr/commencer/ns_international_registration_procedure).

The registration shall include:

- identification of the applicant and his/her activity,
- detailing, for each brand, the categories of goods covered by the use of the logo;
- a commitment to use the logo for all products that it markets under registered trademarks;
- the applicant’s commitment to comply with the Rules of Use.

**An electronic message confirming the registration will be sent to the industry operator, together with the files necessary for the use of the logo.** No validation by the French Public Health Agency is required. **The logo can be used immediately after receiving the e-mail.**

## 5.2.2. - Change of circumstances affecting the operator and his right of use

Article 4.4 of the Rules of Use of the Nutri-Score trademark sets out in detail how operators who have obtained the right to use the **Nutri-Score** trade mark are required to inform the competent authority (the Regulator) of any **change** which might affect their status as a registered operator or **any change in the characteristics originally declared**.

### 5.2.2.1. - Obligations of the controller in the event of a change

- The operator must **immediately notify** the Regulator of any change affecting its legal or commercial status.
- The operator must **maintain an up-to-date list of products for which the Nutri-Score mark is used** and communicate it to the Regulator.

### 5.2.2.2. - Specific cases of relevant changes

- **Change in the composition of products** → If the recipe for a product changes and affects the **nutritional score**, the operator must **recalculate the score** according to the algorithm in place and update the logo.
- **Transfer of the trademark to another entity** → If an operator sells its company or a trademark registered under Nutri-Score, the new owner must **reapply** for the right of use.

- **Cease to market some of the products** → If a product is no longer available on the market, the operator must **remove the Nutri-Score logo** from all marketing material and packaging.

#### 5.2.2.3. - **Withdrawal of the right of use in case of non-compliance**

If the operator no longer complies with the requirements set out in the Terms of Use, its right of use of Nutri-Score **will be automatically withdrawn**. This includes:

- failure to update nutritional information,
- misuse or abusive use of the logo,
- changes in the company structure that no longer meet the eligibility conditions.

In such cases, the operator must **immediately cease** the use of the logo on products, packaging and promotional materials.

### 5.3. - **Procedure for obtaining the right of use for the distributed products**

**Article 4.3** of the Rules of Use of the Nutri-Score logo details the **procedure by which distributors can obtain the right to use the Nutri-Score** logo for products that they market but do not manufacture.

In order for a distributor to be able to use the Nutri-Score logo on the distributed products, he must follow a clearly defined process. First, the distributor must **notify the original producer** or any other holder of rights over that product. This notification must be made **at least three months before** the actual affixing of the Nutri-Score logo. The purpose of this notification is to give the manufacturer the opportunity to react and, if necessary, to object to the use of the logo on his products.

After the notification has been sent and the three-month period has expired, the distributor may formally request **the right to use Nutri-Score** by making an application to **the competent regulator** in the territory where the product is marketed. This request must include several essential elements, including a detailed list of the distributed products for which the logo is intended to be used, confirmation that the notification has been sent to the original producer and assurance that the distribution of the product respects the commercial rights established by the existing contracts.

If the manufacturer does not respond within the set deadline, **the distributor receives the automatic right** to use the Nutri-Score logo, provided that they comply with all the rules imposed by the official procedure. However, if there are **contractual restrictions** between the manufacturer and the distributor prohibiting the modification of the packaging or the use of additional elements on the product, these contractual rules shall prevail and the distributor may not affix the Nutri-Score logo without the explicit consent of the manufacturer.

As regards the actual use of the logo, the distributor **cannot change the Nutri-Score score** assigned by the manufacturer and must use exactly the same logo associated with that product. The logo may be used in **promotional materials and on shop shelves, but may not be affixed directly to the packaging** unless the original manufacturer has already approved it for that product. If a distributed product changes its composition or if the Nutri-Score calculation algorithm is updated, the distributor must ensure that the displayed logo is correct and in accordance with the new rules established by the procedure.

If the original manufacturer is not registered in the Nutri-Score system as the official holder of the right of use, the distributor must include in the initial notification an invitation to him to

register and thus obtain the right to determine the nutritional score of the product. If the manufacturer does not perform this step, the distributor may calculate and assign the Nutri-Score based on the available nutritional data, but will be fully responsible for the correctness of this calculation.

If a distributor decides to stop using Nutri-Score on a distributed product, he must stop using the logo both on promotional material and in stores. If the use of the logo ceases due to a violation of the rules of the procedure or due to a complaint from the original manufacturer, the distributor is obliged to remove **immediately** any reference to Nutri-Score and inform the Regulator of the cessation of use.

In conclusion, the procedure for obtaining the right of use for distributed product is strictly regulated in order to ensure the **consistency and correctness** of the use of Nutri-Score in the distribution chain. It requires the transparent distribution of information between producers and distributors and ensures that the Nutri-Score is only applied to products that meet the official criteria.

## **Article 6. License to use the Nutri-Score logo**

The right of use granted by the French Public Health Agency must comply with the conditions of this article in the context of an obligation of result, and any violation by the operator may result in the partial or total termination of the rights of use granted to the operator on the logo, pursuant to Article 12 of the Rules of Use.

### **6.1. - Rights of use of the logo on source products**

The right to use the logo on source products shall be granted to the operator as the right holder of the rights to those products, immediately after registration and validation of its application by the relevant Regulator.

Such use shall be permitted:

- **primarily**, by applying the Nutri-Score classification logo directly on the packaging of source products, in accordance with the provisions of Article 6.1 of the Terms of Use and based on the nutritional score calculated in accordance with the Specifications (Exhibit 1). This application represents the essential form of use of the logo and is mandatory for the rights of use to be fully exercised.
- **additionally**, for generic or promotional communication relating to source products, in accordance with the conditions set out in Article 7 of the Terms of Use. This right is granted only if the operator already uses the logo directly on the source products.

In all cases, the use of the Nutri-Score logo for purposes of communication or promotion of the source products is allowed exclusively as an extension of its main use, on the packaging. Under no circumstances shall the operator be allowed to use the Nutri-Score logo solely for promotional or communication purposes, without being affixed to the corresponding source products.

### **6.2. Rights of use of the logo in relation to the distributed products**

The distributor may benefit from a licence to use the logo in relation to distributed products only after submitting a prior notification at least three months in advance to the holder of the rights in the product (rightholder), and provided that the distribution is carried out lawfully and according to the commercial rights held in respect of those products.



Such use shall be permitted:

- **primarily**, for the use of the logo in connection with the distributed products, but **without its direct affixing to the packaging**, provided that the intellectual property rights of the holder and the conditions set out in Article 6.2 are respected. The logo may be used on information materials, shelf labels, catalogues or other media accompanying the product, but not on the product itself.
- **additionally**, for generic or promotional communication on distributed products pursuant to Article 7 of the Terms of Use and in this case, the use shall be subject to compliance with the primary and legal use of the logo in relation to the product.

The use of the Nutri-Score logo for the communication or promotion of distributed products is allowed only if the distributor has complied with all the notification steps and has ensured consistency between the logo used and the score set by the product owner. The distributor may under no circumstances use the logo:

- (i) only for communication or promotion, without a right of primary use, or
- (ii) for the distributed products that have not been previously notified in accordance with Article 4.3.

In all cases, the distribution and promotion of products must be accompanied by a clear indication of responsibility for the attribution of the Nutri-Score, either to the holder or the distributor, according to the applicable procedure.

### **6.3. - Non-exclusivity**

The Rules of Use do not confer any exclusive right of use of the logo for the benefit of the operator.

### **6.4. - Personal aspect**

The right of use of the logo is strictly personal. Under no circumstances may it be transferred or transmitted by any means whatsoever.

### **6.5. - Free of charge aspect**

The right of use of the logo is granted to the operator free of charge.

## **Article 7. Terms of use of the classifying logo**

### **7.1. Specific conditions for source products**

#### **7.1.1 Scope**

If an operator decides to use the Nutri-Score classification logo on one or more of its trademarks in accordance with Article 5.1 of the Rules of Use, it is required to affix the classification logo to all categories of products placed on the market under those trademarks. This uniform application is mandatory and cannot be selective, in order to prevent the logo being used strategically, exclusively for products with favourable scores.

The maximum period for the full implementation of this requirement is 24 months from the date of registration. For operators managing a product portfolio that includes 2,000 or more references, the compliance deadline is extended to 36 months, with the obligation that at least 80% of these products are compliant already after the first 24 months.

In addition, any form of promotional or advertising communication relating to the source products must necessarily include the corresponding Nutri-Score logo in accordance with Article 7.2.

#### **7.1.2. Choosing the classification logo**

The operator must use only the classification logo calculated in accordance with the official methodology set out in Annex 1 (Specifications) of the Rules of Use. The use of the neutral logo on source products shall not be permitted.

The calculation of the nutritional score must be carried out rigorously, using the mandatory nutrition data, and the resulting logo must be applied in its entirety, without graphic or content adaptations. The operator shall be solely responsible for the correctness of the assigned score and for the appropriate choice of the logo version.

The use of the logo is not optional once the product has been registered; its application is inextricably linked to the calculated score, and any omission or misapplication may be considered as a deviation from the conditions of use.

#### **7.1.3. Licence for use by distributors**

The titular operator may grant registered distributors a limited, non-exclusive, non-transferable, irrevocable and free of charge right to use the source product image, name and classification logo solely for purposes consistent with these Rules of Use.

That licence allows distributors to present those products as “distributed products” and to promote them in accordance with the rights conferred, throughout the period of registration of the operator holding them. The license does not allow sublicensing nor modification or reinterpretation of the awarded score.

### **7.2. Specific conditions for source products**

#### **7.2.1. Scope**

The distributor operator wishing to use the Nutri-Score logo on a distributed product has two pathways:

1. if the product is associated with a registered operator, the distributor must use exclusively the logo assigned by him, without the right to modify it,
2. if the product belongs to a holder who is not registered, the distributor must send an official notification by registered letter (RAR) at least three months before any public use of the logo.

#### **7.2.2. Prior notice of use**

The notification to the unregistered holder must contain:

- the precise identification of the concerned distributed products,
- the invitation for the holder to register in order to determine their own logo,
- nutritional score calculated by the dispenser and the proposed logo version (if these data are available),
- a clear time limit of 3 months for the response.

This stage is essential. The distributor may not use the logo on the products or in the communication until the standstill period expires. Any previous or non-compliant use may give rise to penalties, including the suspension of rights under Article 13 of the Rules of Use.

### **7.2.3. Choosing the logo on the distributed products**

After 3 months, in the absence of a response from the holder, the distributor may affix the calculated classification logo (only if it has all the necessary data) in the promotional materials or on the shelves, but not directly on the product.

If the distributor does not have sufficient data for a valid score, they can only use the neutral logo, but with a clear indication that they do not have the information required for a complete score.

In case of explicit refusal by the owner, the distributor has the obligation to eliminate all forms of use of the logo within 1 month. If the holder subsequently registers, the distributor must adopt and use exclusively the logo officially assigned by them.

### **7.2.4. Information and communication requirements**

All information or promotional materials (posters, labels, shelves, online platforms) must clearly indicate the origin of the logo:

- if the logo originates from the holder, it shall be indicated that the responsibility lies with the holder,
- if the logo has been assigned by the distributor, the distributor assumes explicit responsibility,
- if the neutral logo is used, it must be stated that the distributor does not have access to enough data to apply the Nutri-Score completely.

The particulars must be visible and adapted to the format of the medium on which the logo is displayed, in order to ensure maximum transparency vis-à-vis the consumer.

## **Article 8. Use of the logo for communication purposes**

### **8.1. Choosing the logo for generic communications**

For his generic logo communications, the operator can affix to his communication media:

- the neutral logo,
- and/or at least 3 of the 5 classifying logos arranged in such a way as not to mislead the consumer as to the classification of the products, in particular by suggesting that all his products have the same classification.

The operator recognises and accepts that the generic logo communication excludes any promotional communication about a product, and more generally any attribution or presentation of a classifying logo as applied or applicable to a product. Any breach of this obligation is at the operator's risk and may result in the termination of his right of use in the product concerned pursuant to Article 13.2.2 of the Rules of Use.

### **8.2. Tools to promote the Nutri-Score system**

With regard to the use of tools to promote the Nutri-Score system, operators have two options at their disposal:

### **8.2.1. Tools developed by the French Public Health Agency**

Operators may use the promotion tools provided by the French Public Health Agency, provided that they comply with the Regulation on the use of Nutri-Score tools. These tools are designed to ensure a uniform and correct communication of the Nutri-Score system to consumers. In order to access these resources, operators must consult the official website of the French Public Health Agency, where guides, graphic material and other resources necessary for the correct promotion of the Nutri-Score logo are available.

### **8.2.2. Tools developed by the operator**

Operators also have the opportunity to develop their own tools to promote the Nutri-Score system. In this case, it is mandatory that the materials created clearly state that Nutri-Score is developed and supported by the French Public Health Agency and the competent public authorities. This mention ensures transparency and recognition of the official source of the Nutri-Score system, avoiding confusion or misinterpretation by consumers.

## **8.3. Graphic charter**

Compliance with the graphic charter is essential for maintaining the integrity and visual coherence of the Nutri-Score logo. Operators shall undertake:

- to reproduce the logo in its full form, exactly as registered with the National Institute of Industrial Property (INPI) and the European Union Intellectual Property Office (EUIPO), as specified in the graphic charter,
- not to make any changes, additions or deletions to the elements of the logo. Specifically, operators must:
  - o avoid partial reproduction of the logo, such as the separate use of graphic elements or only the name,
  - o not alter the graphic characteristics of the logo, including the shape, colour, position of elements, typography and other visual aspects,
  - o not add additional elements to the logo, such as legends, texts or any other indications that are not part of the original design.

The French Public Health Agency shall provide the operators electronically with all the materials necessary for the correct use of the logo. Operators undertake to use these official materials exclusively in the process of reproduction and use of the logo, thereby ensuring a faithful and uniform representation of the Nutri-Score system on all products and communication materials.

## **Article 9. Limits of use of the Nutri-Score logo**

### **9.1. Compliance with the logo during exploitation**

During the entire period when the operator uses the Nutri-Score logo, he is under the obligation to strictly comply with all the provisions of the Rules of Use. Any deviation, whether intentional or not, may lead to the suspension or withdrawal of the right of use.

### **9.2. Compliance with the logo rights**

The operator recognises that the Nutri-Score logo is a protected trademark, owned exclusively by the **French Public Health Agency**. Accordingly, the operator will:

- not file, in any territory, applications for trademarks, designs or other signs which reproduce, in whole or in part, the Nutri-Score logo or elements thereof;
- not create, develop, use or exploit graphic signs or similar names which could create confusion or infringe intellectual property rights held by the French Public Health Agency;
- not reserve or register domain names that contain or imitate the name “Nutri-Score” or other elements of the logo.

### **9.3. Compliance with the voluntary nature of use**

The Nutri-Score logo is a **voluntary** tool, complementary to the mandatory nutrition declaration. Operators may not argue or suggest that its use is imposed by law or mandatory. It is also forbidden for an operator to oblige third parties to apply for the use of Nutri-Score or to impose commercial conditions related to it.

The French Public Health Agency does not assume responsibility for any action, allegation or omission on the part of operators in breach of these prohibitions. Their violation may entail penalties, including those referred to in Annex 3 of the procedure, and may lead to the suspension or withdrawal of the right of use.

The logo may not be used in political, ideological, polemic contexts or that are contrary to public order or accepted principles of morality. The operator undertakes not to associate Nutri-Score with activities that may damage the image of the French Public Health Agency or be perceived as forms of counterfeiting, unfair competition, denigration or misleading advertising.

### **9.4. Audit and verification**

The French Public Health Agency has the right to carry out audits, directly or through authorised third parties, in order to verify that the use of the logo complies with all the provisions of the procedure. The audit may include the verification of declarations, notifications and technical documentation submitted by the operator.

The operator undertakes to cooperate fully with the audit teams, allowing access to premises, personnel, equipment and all relevant information. Each party shall bear its own costs related to the conduct of the audit.

The operator also accepts that the French Public Health Agency may communicate the documents relating to the right of use, notifications and audit reports to the administrative or judicial authorities (including those in the field of consumer protection and competition).

In the event of non-compliances being found, the French Public Health Agency may impose corrective measures. If they are not applied within the prescribed period, the institution may suspend or revoke the right of use, without excluding any damage.

### **9.5. Technical documentation**

The operator must hold, keep and make available to the French Public Health Agency and the authorised auditors a complete technical documentation supporting the use of Nutri-Score. These must include:

1. the list of registered trademarks and associated source products,
2. the list of distributed products and the corresponding source operators,

3. for each product: the completed Excel file (Annex 4), nutritional values and score result,
4. full list of the communication materials and media to which the logo is affixed.

## **9.6. Transmission to Oqali (France)**

For products sold in France, the operator must submit the file in Annex 4 to the Rules of Use to Oqali, within one month of the implementation of the logo on the packaging or online environment, using the form from:

□ [https://survey.anses.fr/SurveyServer/s/formation7/Oqali\\_Suivi\\_Nutri\\_Score/questionnaire.htm](https://survey.anses.fr/SurveyServer/s/formation7/Oqali_Suivi_Nutri_Score/questionnaire.htm)

If the form is incomplete, Oqali will send only one correction request. The operator must send a correct version within one month.

Upon any change in the product portfolio (addition, withdrawal, reformulation), the operator is required to update and resubmit the form, including with reference to distributed products, within **3 months prior** to the application of the change.

## **Article 10 - Public information and promotion**

All actions of the operator that involve informing consumers or promoting Nutri-Score must comply with the Rules of Use, the legislation in force and the intellectual property rights of the French Public Health Agency.

The French Public Health Agency, as well as other competent public authorities, may carry out communication campaigns on operators' commitment to Nutri-Score. These campaigns may include press releases, media files, interviews, events and other forms of public communication.

The operators accept, by default, this possibility to be publicly mentioned as supporters of Nutri-Score. However, if a controller wishes **not to be publicly mentioned**, it may send a request for exclusion to the email address: **nutriscore@santepubliquefrance.fr**, within **2 weeks** of the confirmation of the registration.

## **Article 11 – Duration of the right of use**

The operator shall enjoy the right of use of the Nutri-Score logo from the date on which he receives the official files necessary for its application provided by the **French Public Health Agency**, subject to special application in the case of distributed products. That right shall remain valid until the expiry of the legal protection of the logo, in accordance with its registration in intellectual property law.

On approaching the end of the protection period, the French Public Health Agency undertakes to notify the operator at least **two months in advance** using a means of communication ensuring proof of receipt of the notification. This notification will include the exact date on which the legal protection of the logo ceases.

The right of use may cease earlier than the final term of protection if the provisions on **suspension, termination or penalties**, set out in Article 13 of the Rules of Use, apply.

## **Article 12 - Amendment of the Rules of Use**

If the French Public Health Agency decides to amend the Rules of Use, the operator will be notified by email to the contact address indicated in the registration form. The operator shall be

obliged to keep this address up to date and to inform the institution immediately of any relevant change.

The operator shall be deemed to have accepted the new provisions of the Rules of Use if, within **60 days of receipt of the notification**, he does not expressly notify the refusal of the changes and does not cease the use of the logo. Tacit acceptance supposes continued use of the logo under the modified conditions.

If the operator wishes to continue using the logo following the changes but is affected by the changes introduced, he shall be given a **reasonable period of time to comply**, set by the French Public Health Agency, depending on the nature of the changes and the specificity of the operator's activity.

If, on expiry of the compliance period, the operator no longer complies with the new conditions, the right of use shall automatically cease in accordance with Article 13.2 of the Rules of Use. The operator may not claim any compensation or compensation as a result of the amendment of the Rules of Use.

## **Article 13 - Termination of the right to use the Nutri-Score logo**

### **13.1 - General provisions**

The right to use the Nutri-Score logo is **revocable** and does not give the operator any permanent or irrevocable right. The operator is not entitled to claim compensation, regardless of the reason why this right is withdrawn or terminated, if the termination is made in accordance with this article.

### **13.2. - Termination of authorisation by the operator**

#### **13.2.1. - Change of circumstances affecting the validity of the authorisation**

The right to use the logo shall cease **automatically and without notification** from the French Public Health Agency if the operator no longer meets the eligibility conditions referred to in Article 5.1.

In this situation, the operator is obliged to:

- stop the **production and marketing** of products marked with the Nutri-Score logo within **3 months** of the loss of the right;
- stop using the logo on **all communication and promotional** media;
- **dispose of existing stocks** within a maximum period of **6 months** from the date of termination of the right of use.

#### **13.2.2. - Noncompliance with the Rules of Use**

In the event of a breach of the Rules of Use, the French Public Health Agency shall give the operator an **official notification** (registered letter with acknowledgement of receipt), indicating the breaches found and requesting compliance within the specified deadline.

A list of possible deviations and related sanctions is included in **Annex 3** of the Rules of Use.

If the operator fails to remedy the irregularity within the prescribed period, the right of use shall be **automatically suspended or terminated** without the need for further notification. The operator will be obliged to:

- immediately cease the affixing and use of the logo,

- remove any references to Nutri-Score from all products and communication materials,
- stop the production and marketing of labelled products,
- complete the sale of stocks within a maximum of 3 months from the date of actual cessation.

### **13.2.3. - Penalties**

The continuation of the use of the logo after the expiry or withdrawal of the right constitutes **unlawful use**, for which the French Public Health Agency is entitled to claim **damages** and bring legal proceedings against the operator.

### **13.3. - Misuse of the logo**

In any case of unauthorised use of the logo by an unregistered operator or third party, the French Public Health Agency has the full right to bring legal proceedings, in accordance with the legislation in force, to protect its trade mark and intellectual rights.

Possible actions include:

- the request for prohibition of use;
- claims for compensation for damage caused;
- initiating proceedings for unfair competition or counterfeiting.

### **Art. 14. - Defence of the logo**

The operator undertakes to report immediately to the French Public Health Agency any infringement of the rights to the logo of which he is aware, in particular any act of infringement, unfair competition, or free riding.

It is up to the French Public Health Agency alone to take the decision to initiate, at its own expense, any civil or criminal action.

Consequently, the damages resulting from the action brought by the French Public Health Agency on its behalf will be at its expense or for its exclusive benefit and therefore, in this case, the operator will not be able to claim any compensation.

## **Article 15. Liability and warranties**

### **15.1. Operator's liability**

The rightholder operator is solely responsible for any direct or indirect consequences that may result from his operation of the logo on his source products. He is solely responsible for the accuracy, sincerity and relevance of his calculation of the nutritional score as well as his choice of the classifying logo for each of his source products, as well as for the use and communication of these source products, at his own risk.

The distributor operator is solely responsible for the accuracy, sincerity and relevance of his calculation of the nutritional score and for his choice of the classifying logo for each product distributed pursuant to the procedure set out in Article 7.2 of the Rules of Use, as well as for the use and communication of these distributed products, at his own risk, in particular if the distributor operator (i) did not have the necessary rights to make lawful commercial exploitation of the distributed products or (ii) failed to comply with all or part of the procedure set out in Article 7.2. The distributor operator is also responsible, during the commercial exploitation of the distributed products, for his use of the classifying logo assigned to a distributed product by



his rightholder operator, even if the rightholder operator is responsible for calculating the nutritional score and the choice of the classifying logo for that distributed product.

In any event, the operator acknowledges that any incorrect or incomplete use of the logo, in particular (i) a calculation of the nutritional score which does not comply with all the rules of the Specifications of Annex 1 or carried out on the basis of incomplete or distorted data in relation to the actual nutritional qualities of the Product, or (ii) the attribution of an inaccurate or incorrect classifying logo or not corresponding to the reality of the nutritional score of the product, whether it results from unintentional behaviour or is carried out with the intention of harming, is directly liable to the operator and is liable to constitute a misleading commercial practice pursuant to Article L. 121-1 of the Consumer Code. The French Public Health Agency disclaims any responsibility for such uses, particularly in the event of false or misleading information or promotional communication by the distributor operator on a distributed product, who assumes sole responsibility of the operator responsible for it.

### **15.2. - Operator's warranty**

In the event that a third party is responsible for the French Public Health Agency, as a result of the non-compliant use of the logo by the operator, the operator undertakes to bear all the costs and charges instead of the French Public Health Agency, which may call it as a guarantee.

In particular, the operator guarantees to the French Public Health Agency that:

- (i) that the contracts or contract chains concluded between the operator and the holder of intellectual property rights on the distributed products, whether or not this holder is registered as a rightholder operator, do not oppose to the exploitation of the right of use granted by the French Public Health Agency on the logo of the distributed products in Article 7(2),
- (ii) the absence of any confusion in its communications (for information or promotional purposes), between products or between products and other products and services,
- (iii) the absence of error or inaccuracy in the attribution and use of a classification logo in relation to a product, as well as any false or misleading representation of the operator, under which the operator will indemnify, defend and exempt the French Public Health Agency from any liability, in respect of any damages, obligations, costs and expenses (including reasonable attorney's fees), and
- (iv) against any claim arising from a claim by a third party (including a holder of rights in a product) alleging that the total or partial use of the products in connection with the logo under this Rules of Use infringes the intellectual property rights of that third party or constitutes a tort fault of the French Public Health Agency, in particular with regard to unfair competition or parasitic behaviour.

The operator shall be required to withdraw from the market as soon as possible any product which does not comply with the standards in force in the territory.

### **15.3. - Guarantee of the French Public Health Agency (Santé Publique France)**

The French Public Health Agency gives no warranty other than that resulting from its personal liability and the material existence of the logo and that, to its knowledge and the date of entry into force of the Rules of Use, the logo has not been the subject of any claim of rights. The operator acknowledges in general knowledge of uncertainties as to the availability and, in general, the validity of the marks and designs, and therefore accepts this authorisation for use in full knowledge of the facts, at his own risk. Consequently, in the event that the French Public

Health Agency loses its rights to the logo at the request of a third party, regardless of the cause of the loss of rights and its legal characterisation (nullity, infringement...), the operator undertakes not to incur liability of the French Public Health Agency and not to claim any damage and interest from the French Public Health Agency.

#### **Article 16. Applicable law**

The regulations governing the use of the Nutri-Score logo shall be subject to French legislation, regardless of the place of use of the logo by the operator.

#### **Article 17. Competent jurisdiction**

Any dispute arising out of the interpretation or enforcement of these Rules of Use shall be brought before any court having jurisdiction within the jurisdiction of the Paris Court of Appeal.

#### **Article 18. Entry into force of the right of use**

The operator shall be deemed to have the right of use, from the date of receipt of the files permitting its use after validation of its online registration and its express commitment to comply with the Rules of Use, including its annexes.

#### **Article 19. Settlement of disputes**

The French Public Health Agency does not settle any disputes between operators or between an operator and a third party (the parties). If the French Public Health Agency has access to proof of a violation of the Rules of Use, assessed at its discretion, the French Public Health Agency may take any appropriate measures, including provisional or protective measures, in particular with regard to the sanctions set out in Annex 3 and Article 13 of the Rules of Use, in order to put an end to the breach of contract as soon as possible.

### **II. LIST OF ANNEXES of the Nutri-Score logo Use Regulation**

#### **Annex 1: Specifications. Classification of the food in the 5-colour nutritional scale**

In order to establish the classification of the food, food manufacturers and distributors shall comply with the following calculation rules to be applied successively:

- calculation of the foodstuff's nutrition score,
- classification of the food in the 5-colour nutritional scale, based on the calculated score.

Products excluded from the application of the Nutri-Score

Nutri-Score shall not be applicable to certain categories of products for which the algorithm is not considered nutritionally relevant. Thus, regardless of whether the original algorithm or the updated algorithm is used, the following products are excluded from the application of the Nutri-Score logo:

- products intended for sports nutrition,
- food for infants and children from 0 to 3 years of age,
- infant formulae (breast milk and follow-on formulae),
- infant cereals and baby food,
- food intended to special medical purposes,

- products that replace total daily ration or meal substitutes.

## 1. score of foods

## The calculation of the nutritional

For better consistency with the updated version of the algorithm, the description of the original algorithm has been editorially revised. The classification of a food product on the Nutri-Score scale (with 5 colours) is based on the following two mandatory steps:

1. calculation of the nutrition score of the food product,
2. product classification on the Nutri-Score scale, depending on the resulting score.

The nutritional score shall be calculated in the same way for all foods, with **the exception of vegetable and animal fats and beverages**, for which adapted rules referred to in point 1-b shall apply.

### 1-a General case

The nutritional score of a product is a unique and overall score, resulting from two components:

- **Component N (“negative”)** reflects elements whose consumption must be limited: energy input (kJ), saturated fatty acids, sugars and sodium. For each of these elements, between 1 and 10 points shall be awarded, depending on the content relative to 100 g of the product. Component N is the sum of these points and can vary between 0 and 40.
- **Component P (“positive”)**, which follows in the description, takes into account nutritionally beneficial elements (such as fibres, proteins and fruit, vegetable and oilseed content).

### 1-b Special cases

In order to reflect the specific nutritional characteristics of certain categories of products and to align their classification under the Nutri-Score system with the official dietary recommendations, adaptations of the calculation algorithm have been foreseen.

Animal and vegetable fats

For this product group, a different scoring method for saturated fatty acids is applied. Instead of the standard grid based on the absolute amount of saturated fatty acids per 100 g, an alternative grid is used which is based on the ratio of saturated fatty acids to the total lipid (fat) content.

This adaptation allows for a fairer classification of high-fat products, taking into account not only the presence of saturated fatty acids, but also the proportional context in which they occur, in relation to the overall lipid profile of the product.

## 2. Classification of the food in the five-level nutritional scale based on the score calculated according to 1

### 2-a General case

For the general case, the following thresholds are taken into account:

Class	Score range	Colour
A	Minimum to -1	Dark green
B	0 - 2	Light green
C	3 - 10	Light orange

D	11 - 15	Medium orange
E	19 to maximum.	Dark orange

## 2-b Special case for beverages

In the case of beverages, the thresholds are as follows:

Class	Score range	Colour
A	Waters	Dark green
B	Minimum to -1	Light green
C	2 - 5	Light orange
D	6 - 9	Medium orange
E	10 to maximum.	Dark orange

### 3. Location of the graphic symbol on packaging

The graphical symbol shall be placed on the bottom third of the front of the packaging.

This does not concern foods packed in packaging or containers whose largest side has a surface area of less than 25 cm<sup>2</sup>.

### 4. Graphic symbol and characteristics

The selected graphic symbol, called Nutri-Score, is shown below:



The characteristics of the logo, in particular size and colour, are defined in the graphic charter of the collective Nutri-Score brand.

## Annex 2: Graphic charter

The information on the graphic charter is in accordance with Article 7.2 of the Rules of Use. The graphic charter is found in Annex No 2 to the Rules of Use. It is recommended to place the graphic symbol in the lower third of the front of the packaging. The foods packed in packaging or containers whose largest side has a surface area of less than 25 cm<sup>2</sup> is not affected.

It details:

- approved versions of the logo (colour, black and white, etc.),
- minimum spacing, acceptable backgrounds,
- the prohibition on adding text, effects or visual alterations,
- rules of legibility and adaptation to small packaging.

## **Annex 3: Penalties**

The French Public Health Agency reserves the possibility to sanction the operator for any violation of the Rules of Use, without being however exhaustive. These sanctions are applicable in particular, but not limited to, in case of violation of the prohibitions and conditions of Articles 8.3 and 8.4 of the Rules of Use. A non-exhaustive list of possible infringements accompanied by appropriate sanctions is provided in the Tables in Annex 3 to the Operating Rules, which refer to the main infringements of these rules of use, but are not exhaustive.

### **3.1. Sanctions - Use of the logo as a complementary presentation to the mandatory nutrition declaration**

3 levels of penalties are foreseen for incorrect use of the logo as a complementary presentation to the mandatory nutrition declaration:

- Request for corrective action
- Suspension of the right of use until compliance
- Withdrawal of the right of use by the French Public Health Agency for a fixed period.

### **3.2. Sanctions - Use of logo for communication purposes**

3 levels of sanctions are foreseen for incorrect use of the logo for communication purposes:

- Request for corrective action
- Suspension of the right of use until compliance
- Withdrawal of the right of use by the French Public Health Agency for a fixed period.

## **4. OQALI documentation**

The OQALI documentation is Annex 4 to the Nutri-Score Rules of Use and constitutes the official medium by which operators affixing the Nutri-Score logo in France submit the nutritional data relating to their products to the responsible authority. OQALI (Industrial Food Quality Observatory) is the designated structure for collecting, tracking and validating the completeness of these data.

The official file is available in Excel format and can be downloaded from the Santé Publique France website at the following link:

<https://www.santepubliquefrance.fr/media/files/02-determinants-de-sante/nutrition-et-activite-physique/nutri-score/annexe4-oqali>

This file is mandatory for all operators using the Nutri-Score logo on the packaging of foodstuffs distributed on French territory. It contains essential information on the identity of the product, nutritional details according to the values stated in the nutrition declaration, calculations of the Nutri-Score (including the scores of components N and P), and the letter and colour associated with the final classification.

The file must be transmitted through the platform managed by ANSES, available at:

[https://survey.anses.fr/SurveyServer/s/formation7/Oqali\\_Suivi\\_Nutri\\_Score/questionnaire.htm](https://survey.anses.fr/SurveyServer/s/formation7/Oqali_Suivi_Nutri_Score/questionnaire.htm)

The form must be submitted no later than one month after the logo has actually been affixed to the packaged product or from its being put for sale in electronic commerce. In the event of a change in the product range or on the anniversary of the notification for distributed products, the operator must submit an updated version of the file. The operator is also required to communicate the withdrawal of any product or discontinuation of the use of the logo with a notice of three months prior to the implementation of the decision.

It is important to note that OQALI is not intended to validate the nutritional score or to authorise the use of the logo, but only to verify the consistency of the data submitted, compliance with the file structure and the presence of all mandatory information. In cases where the form is incomplete or non-compliant, OQALI will send only one correction request. The operator shall be responsible to submit a correctly completed version within a maximum of one month from the receipt of the request.

Failure to comply with the reporting requirements set out in Annex 4 may result, on the decision of the French Public Health Agency, in the application of sanctions, including the suspension or termination of the right of use of the Nutri-Score logo. Operators must treat this reporting process with the same rigour as compliance with the rules for the use of the logo on the packaging of the products.