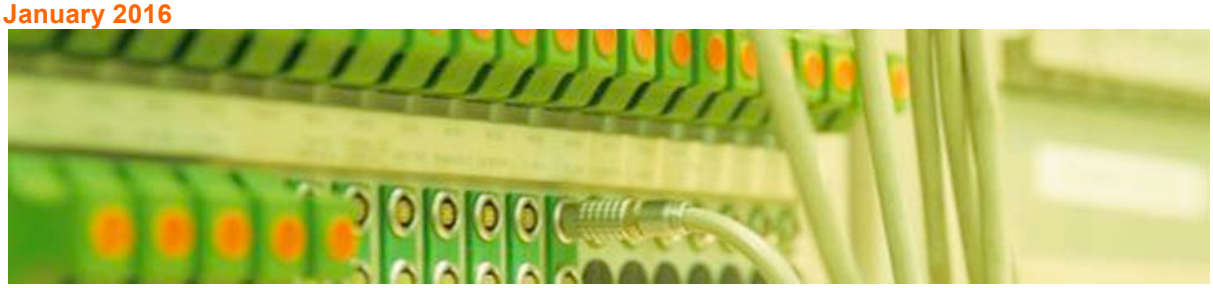
IP, IT and Media News from Luxembourg

January 2016



WHAT HAPPENED IN 2015 / WHAT TO EXPECT IN 2016?

2015 was a year full of development in the IP, IT and Media fields. The beginning of this New Year gives us the opportunity to look back at the key legal developments of 2015 in these areas in order to be well prepared for the major projects that await us in 2016.

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WHAT HAPPENDED IN 2015?

INTELLECTUAL PROPERTY

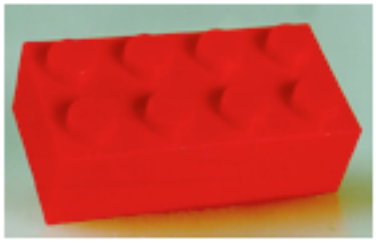
Trademark

EU – Lego: end of a legal saga

According to the Community Trademark regulation, a sign which consists exclusively of the shape determined by the nature of the goods themselves or which consists exclusively of the shape of goods necessary to obtain a technical result may not be registered as a Community trademark. The same rule applies for Benelux trademarks.

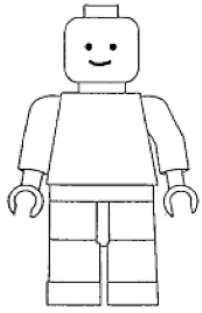
The following decisions, both regarding Lego Juris ("**Lego**"), illustrate the difficulty to register three-dimensional trademarks:

(i) In 1999, Lego registered the shape of a Lego brick as a three-dimensional Community trademark with the Office for Harmonisation in the Internal Market ("OHIM"), in respect of games and playthings:



This trademark was cancelled on 30 July 2004, at the request of Ritvik Holdings Inc., by the Cancellation Division of OHIM, on the ground that the trademark consisted exclusively of the shape of goods which was necessary to obtain a technical result. The Grand Board of Appeal of OHIM and the European Union Court of Justice confirmed this decision on 14 September 2010 (Case C-48/09 P).

(ii) In 2000, Lego registered the shapes of a Lego figurine as three-dimensional Community trademarks with the OHIM, in respect of games and playthings:



Best-Lock, a competitor which uses similar figures, applied for a declaration of invalidity in respect of those trade marks, on the grounds, first, that the shape of the goods in question is determined by the nature of the goods themselves and, second, that the toy figures in question, both as a whole and in their particulars, provided technical solutions (namely, being combined with other building blocks). OHIM rejected Best-Lock's applications for a declaration of invalidity. Best-Lock therefore applied to the General Court of the European Union for annulment of OHIM's decisions.

The General Court of the European Union, on 16 June 2015 (Cases T-395/14 and T-396/14), dismissed Best-Lock's actions. Regarding, first, the complaint that the shape of the goods in question is determined by the nature of the goods themselves, the General Court rejected that complaint as inadmissible insofar as Best-Lock had not put forward any argument to support that assertion and had not provided any reasoning to show that OHIM's findings in that regard were incorrect.

Concerning the complaint that the shape of the goods in question is necessary to obtain a technical result, the General Court felt that no technical result was connected to or entailed by the shape of the essential characteristics of the figures (heads, bodies, arms and legs), as those characteristics did not, in any event, allow the figures to be joined to interlocking building blocks. The General Court concluded from this that the characteristics of the shape of the figures in question were not necessary to obtain a technical result.

To conclude, the shape of goods may be protected through other legal means than a trademark registration, such as through models and patterns law or unfair competition law.

Copyright

Luxembourg – Law on orphan works

On 3 December 2015, Luxembourg adopted a law on certain permitted uses of orphan works in order to implement Directive 2012/28 of 25 October 2012. This law applies to orphan works published in the form of books, journals, newspapers, magazines or other writings contained in the collections of libraries, museums, archives services, educational establishments or film or audio heritage institutions, as well as orphan cinematographic or audiovisual works and phonograms contained in their collection or which have been produced by public-service broadcasting organisations before 1st January 2003 and which belong to their archives. A work is considered as an orphan work if none of the rightholders in that work is identified or, even if one or more of them is identified, none is located despite a diligent search for the rightholders. According to this law, libraries, museums, archives services, educational establishments, film or audio heritage institutions and public-service broadcasting organisations are allowed to use the above orphan works to achieve aims related to their public-interest missions.

EU – New step towards a revision of the EU rules on copyright

On 9 July 2015, the European Parliament eventually adopted the hotly debated report of Julia Reda on the implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society. According to the Reda Report, the provisions of Directive 2001/29 were not in step with the increase of cross-border cultural exchange facilitated by the Internet. The current copyright regime hinders the exchange of knowledge and culture across borders. To meet today's challenges, the legislation needs to be updated to current practices and harmonised further. In particular, the Reda Report, a result of numerous compromises, (i) encourages the portability of licence rights and strives to overcome geoblocking issues and (ii) calls on the Commission to study the impact of a single European Copyright Title (replacing national titles) on jobs and innovation, on the interests of authors, performers and other rightholders, and on the promotion of consumers' access to regional cultural diversity. Among the measures that have been left out: banning the creation of hyperlinks between websites without the consent of the author (amendment proposed by an MEP) and the right to publish pictures of public buildings and artworks such as sculptures permanently installed in public places without the consent of the architect (freedom of panorama). The Reda Report is not binding as such but it will help the European Commission to revise the Copyright Directive.

INFORMATION TECHNOLOGY

Personal Data

EU – Safe Harbour Decision invalidated

On 6 October 2015, the European Union Court of Justice ("**ECJ**") gave its eagerly awaited ruling on the European Commission's Safe Harbour Decision, which authorizes the transfer of personal data from the European Union ("**EU**") to the United States ("**U.S.**")

As a reminder, Directive 95/46/CE ("**Directive 95/46**") on the protection of individuals with regard to the processing of personal data stated that the transfer of personal data outside the EU is only possible to third countries that ensure an "*adequate level of data protection*" in terms of protection of the private life and basic freedoms and rights of individuals. Transfers of personal data to a country which does not offer an adequate level of data protection are not impossible but in most cases require the prior authorization of the competent national data protection authority ("**DPA**") and such an authorization is only granted – among other requirements and basically – if an agreement which defines the conditions of the personal data transfer and matches the European data protection requirements is entered into between the sender and the recipient of the data.

The EC recognized very few countries as offering an "adequate level of data protection". The U.S., as such, is not part of this very close circle. However, on 26 July 2000 the EC adopted a decision recognizing the "Safe Harbour Privacy Principles" and "Frequently Asked Questions", issued by the U.S. Department of Commerce as providing adequate protection for the purposes of personal data transfers from the EU to the U.S. (the "**Safe Harbour Decision**").

The Safe Harbour Decision was thus regarded by the DPAs as allowing for the free transfer of personal data, for commercial purposes, from companies located in the EU to companies located in the U.S. that adhered to the Safe Harbour principles.

Following the ECJ ruling of 6 October 2015, the Safe Harbour Decision must no longer be regarded by national DPAs as ensuring an "adequate level of protection" within the meaning of the 1995 Directive for personal data transferred from the EU to the U.S.

Consequently, companies based in the EU which currently rely on the Safe Harbour Decision in order to transfer personal data to the U.S. (i.e. European companies using service providers based in the U.S. or European-based subsidiaries of U.S. companies) will have to suspend their transfers of personal data to the U.S. and find other legal bases to make such transfers, such as (i) data transfer agreements based on EC approved Standard Contractual Clauses, or (ii) Binding Corporate rules.

On 16 October 2015, the Article 29 Working Party (the "**Working Party**"), composed of representatives of the EU DPAs, the European Data Protection Supervisor and the European Commission, issued a common statement about the initial consequences of this ruling.

The Working Party urgently called on the Member States and the European Institutions to open discussions with the U.S. authorities in order to find political, legal and technical solutions enabling data transfers to the U.S. that respect fundamental rights. The Working Party believed that the current negotiations around a new Safe Harbour Decision could be a part of the solution. If, by the end of January 2016, no appropriate solution is found with the U.S. authorities, EU DPAs are committed to take all necessary and appropriate action, which may include coordinated enforcement actions.

On 25 and 26 November 2015, the Luxembourg DPA (the "**CNPD**"- "*Commission Nationale pour le Protection des Données"*) informed Luxembourg companies that transferred personal data to the U.S. on the basis of the Safe Harbour Decision of the consequences of the ECJ ruling.

E-commerce

EU – New rules on VAT

On 1 January 2015 new VAT rules took effect for telecommunications, broadcasting and electronic services, which will always be taxed in the country where the customer resides

The new rules are enshrined in the 2015 VAT Directive which dictates that VAT collection on digital services will, from January 2015, be based on where the end consumer is located.

Before those rules, EU businesses providing telecommunication, broadcasting and electronically supplied services to EU final customers were obliged to charge VAT at the rate applicable in the country where the seller is established while non-EU businesses had to charge VAT at the rate imposed by the country of the final customer.

From 2015, service providers established in Luxembourg can no longer apply the low Luxembourg VAT to the services they supply to private individuals resident in another Member State. As a consequence, businesses providing such services will have to register in the Member States of their clients or apply the Mini One Stop Shop (MOSS) regime, which allows them to file only one VAT return in Luxembourg.

The government of Luxembourg has accordingly increased its key VAT rates by two per cent excluding the super reduced rate of 3%.

E-archiving

Luxembourg – Law on e-archiving

Long awaited and expected by professionals, the draft Law on the dematerialization and archiving of documents (the "**e- Archiving Law")** was finally adopted on 25 July 2015.

The passing of the new Luxembourg e-archiving law has been warmly welcomed by the Luxembourg government which stressed that *"beyond highly secure data centers in Luxembourg and the excellent national and international connectivity of the country, this modern and pragmatic legal framework for electronic archiving represents an additional argument to attract large companies looking to centralize their electronic archives in a single country".*

The new e-Archiving Law replaces obsolete rules on e-Archiving laid down by the Grand-Ducal regulation of 22 December 1986.

Digital copies are **assumed to have the same probative value as the originals** provided that the copies have been created in accordance with specific technical conditions to guarantee authenticity and integrity.

These requirements are deemed to be met when the digitized copies are made by a new category of certified service providers, the so-called **dematerialization and preservation providers** (the "*prestataires de services de dématérialisation et/ou de conservation* - **PSDC**").

PSDCs can dematerialise and/or archive digital documents for themselves as well as for third parties. The status of PSDC is therefore of real interest for any commercial company, including in the banking sector, which has a strong IT support team.

PSDC status requires a certification from the Luxembourg Office for Accreditation and Surveillance ("OLAS") on the basis of the technical rules enacted by the Luxembourg Institute for Standardization, Accreditation, Safety and Quality of Products and Services ("ILNAS"). PSDCs acting for professionals of the financial sector must also be authorized by the Financial Service Regulator (the "CSSF").

Provided that these requirements are met, Luxembourg Courts can no longer deny any value to digital copies when the original still exists, nor require the provision of the originals.

Internet Payments

Luxembourg - Circular CSSF 15/603 on the security of Internet payments:

On 9 February 2015, the CSSF adopted Circular 15/603 in order to implement the Guidelines on the security of Internet payments published by the European Banking Authority ("EBA") on 19 December 2014. These Guidelines, which are attached in full to the Circular, set the minimum security requirements that Payment Services Providers (namely credit institutions, payment institutions, electronic money institutions, European and national Central Banks, Member States or regional authorities; post office giro institutions) were expected to implement by 1st August 2015. The Guidelines apply to card payments on the Internet, including virtual card payments, as well as the registration of card payment data for use in 'wallet solutions', credit transfers on the internet, the issuance and amendment of direct debit electronic mandates and e-money transfers to e-money accounts via the Internet. The Guidelines set minimum requirements at three levels: general control and security environment, specific control and security measures for Internet payments and customer awareness, education and communication.

Cloud Computing

EU - Opinion 02/2015 on C-CIG Code of Conduct on Cloud Computing

On 22 September 2015, the Article 29 Working Party ("**WP29**") issued an opinion on the Data Protection Code of Conduct for Cloud Service Providers ("**CSPs**"), drafted by the Cloud Select Industry Group (C-SIG), a working group composed of representatives of the industry, that was submitted to WP29. While appreciating the effort put in by the industry to draft this Code of Conduct, WP29 could not formally approved it as it does not always meet the minimal legal requirements of Directive 95/46 on the protection of individuals with regard to the processing of personal data. WP29 especially noted that the Code (i) should make reference to the processing of sensitive data or financial data by the CSPs and address such specific situations, (ii) should be specific on information about the addresses of the locations where processing takes place, (iii) should make reference to the notion of personal data and to the WP29's opinion on anonymisation and to the fact that, in any case, pseudonymisation does not enable CSPs or customers to be exempted from their responsibilities under data protection law. In the light of the future general personal data protection regulation (see below), WP29 also noted that the Code should specify that a processor must communicate any legally binding request for disclosure of the personal data by a law enforcement authority to the controller unless otherwise prohibited. Additionally, the Code must (i) prevent the adoption of terms of services that are to the disadvantage of the clients by unduly limiting cloud providers' obligations and liability and

restricting clients' rights, (ii) include a right to audit that is not strictly limited to the case where the CSP has not been certified by an independent body and (iii) a reference to portability when a cloud client decides to migrate from one cloud provider to another. To conclude, WP29 recommended that C-SIG consider each of WP29's comments and recommendations for incorporation into a final version of the Code.

MEDIA

Telecom

EU – BtoC: Changes in charges based on objective price index allowed

According to Directive 2002/22/EC of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, as amended ("**Directive 2002/22/EC**"), subscribers will have a right to withdraw from their contracts without penalty upon notice of proposed modifications in the contractual conditions. On 26 November 2015, the European Court of Justice ("ECJ") ruled that Directive 2002/22/EC must be interpreted as meaning that a change in charges for the provision of electronic communications networks or services, resulting from the operation of a price adjustment clause contained in the standard terms and conditions applied by an undertaking providing such services, the term providing that such a change applies in accordance with changes in an objective consumer price index compiled by a public institution, does not constitute a "*modification to the contractual conditions*", which grants the subscriber the right to withdraw from the contract without penalty (aff. C-326/14).

Casino games

Luxembourg – New Regulation on casino games

On 1st November 2015, Luxembourg issued a new Grand-Ducal Regulation which regulates new forms of electronic games of chances and casino games (electronic slot machines, Hold'em poker, Texas Hold'em poker, Omaha poker, etc.). This Regulation does not, however, rule over online casino games, which, in the current stage of the legislation, can still not be exploited by Luxembourg established entities.

WHAT TO EXPECT IN 2016?

INTELLECTUAL PROPERTY

Trademark

EU – Trademark Reform Package adopted

On 15 December 2015, the European Parliament finally adopted the Trademark Reform Package which consists of a new regulation on the Community trademark and a new directive harmonising trademark law within the Member States. The reform especially removes the requirement of graphic representation from the criteria for registration, which should benefit the registration of "non-traditional" trademarks such as smells or sounds. It replaces the current one-fee-for-three-classes by a one-class-per-fee system. The OHIM will be renamed the EU Intellectual Property Office while the Community trademark will be renamed the EU trademark ("**EUTM**"). Among others, the reform specifies that the trademark owner monopoly enables it to bring an infringement action against the use of a prior trademark in a corporate name in order to distinguish products or services. The directive and regulation will enter into force 20 and 90 days, respectively, after their publication in the *Official Journal*.

Luxembourg – Criminal sanctions for trademark infringements

The draft law No 6784 of 24 March 2015 aims to fill the legal vacuum resulting from the absence of criminal sanctions for trademark and registered designs infringement since the repeal of a law of 1883 further to the related Benelux legislation adopted in 1971 and 1975.

As the Chamber of Commerce pointed out in its opinion of 17 December 2015, the text is, however, not satisfactory on several aspects as it does not stick to the definition of trademark and designs infringement under civil law and needs to be improved regarding the consequences of the invalidity, nullity or revocation of the trademark or design on the criminal proceedings.

The related law is expected to pass in the course of 2016.

Benelux - New rules for opposition proceedings, cancellation and revocation actions

On 1st December 2015, Luxembourg adopted a draft law approving the Protocol amending the Benelux Convention on Intellectual Property (Trademarks and Designs). This Protocol extends the opposition proceedings to the owner of an earlier registered trademark which has acquired a reputation. It also creates new procedures enabling the bringing of an action in nullity or in revocation of a trademark or design before the Benelux Office for Intellectual Property (OBIP).

Copyright

EU – New rules for collective management of copyright and related rights

On 26 February 2014, the European Union adopted a Directive 2014/26/EU on collective rights management and multi-territorial licensing of rights in musical works for online uses. The Directive aims at ensuring that rightholders are free to entrust the management of their rights to independent management entities and are able to participate in the decision-making process of the collective management organisation. It also sets EU-wide standards regarding the functioning of collective management organisations. The new rules also intend to ease the multi-territorial licensing by collective management organisations of authors' rights in musical works for online use. The deadline to implement this directive in Luxembourg law is 10 April 2016 but no draft law has been filed yet.

Patent

EU – New Unitary Patent

To recap, the European Parliament, after many years of discussion, voted positively on 11 December 2012 on two draft EU Regulations on a unitary patent for Europe. The European Countries also agreed on an international agreement creating the Unified Patent Court ("UPC").

Spain's claim before the CJEU that the content of the agreement on the UPC affects the Union's powers and confers on a third party the power to determine unilaterally the application of the regulation was rejected on 5 May 2015 by the ECJ.

Other significant developments occurred in 2015, i.e.:

- ratification of the UPC by Luxembourg and Portugal. The UPC agreement will enter into force after thirteen Member States including UK, France and Germany ratify it. As of today eight countries have ratified it, including France. The UK should be ready to ratify it in Spring 2016;
- 19 October 2015: adoption of the UPC rules of procedure;
- 15 December 2015: the Select Committee which represents the EU Member States participating in the new Unitary Patent, has formalised a series of agreements into a complete secondary legal framework comprising the implementing rules, budgetary and financial rules, the level of the renewal fees and the rules concerning the distribution of the renewal fees between the EPO and the participating Member States.

The only remaining step is the opening of the Unified Patent Court and the finalisation of the ratification process at national level. The Unified Patent Court is expected to be fully operational from early 2017.

Luxembourg – New rules for Luxembourg Patents

The draft law No 6784 of 24 March 2015 aims to:

- transpose into national law the Treaty on Patent Law, adopted in Geneva on 1 June 2001, which limits the administrative requirements and harmonizes the formalities for filing a patent;

- harmonize administrative procedures with those of the Dutch and Belgian offices in the context of the future use of a common computer system of patent records management. The two most important consequences are the withdrawing of the short-term patent of 6 years and the withdrawal of the national phase for international patent applications, which means that it would only be possible, in future, to obtain a European patent, rather than a national patent, through a PCT application;

- introduction of the electronic filing of patent applications.

Trade secrets

EU – New step for the Directive on Trade Secrets

On 18 December 2015, the European Council (represented by the Luxembourg presidency) and representatives of the European Parliament reached a "*provisional agreement*" on the Directive on Trade Secrets. The Directive, which lays down common measures against the unlawful acquisition, use and disclosure of trade secrets, is intended to a smooth functioning internal market. Moreover, the directive provides that investigative journalism can be exercised without any new limitations including with regard to the protection of journalistic sources, and states that persons acting in good faith that reveal trade secrets for the purpose of protecting the general public interest, commonly known as "whistle-blowers", will enjoy adequate protection. EU Member States will have to provide for the measures, procedures and remedies necessary to ensure the availability of civil redress against illegal acquisition, use and disclosure of trade secrets. Trade secret holders will be entitled to apply for remedies in the case of damages following cases of illegal appropriation of documents, objects, materials, substances or electronic files containing the trade secret or from which the trade secret can be deduced. The European Parliament should vote the Directive in the course of 2016.

Tax

Luxembourg – IP Tax Regime repealed

The budget law for 2016, adopted on 23 December 2015, repealed the current tax regime for Intellectual Property Rights ("**IPRs**").

As a reminder, on 1 January 2008, with the Law of 31 December 2007 adding Article 50bis to the Income Tax law, Luxembourg introduced a favourable tax regime for incomes derived from certain IPRs, namely patents, trademarks, designs and models, and copyrights on software. This regime was extended to domain names on 1 January 2009.

Article 50bis provides that Luxembourg companies and Luxembourg-based branches of foreign companies may, under certain conditions, benefit from an 80% exemption from income tax on net income (royalties) derived from IPRs (leading to an effective tax rate under 6%) and on capital gains resulting from their assignment. Also, self-developed patents that are not licensed to third parties but used in-house for the internal needs of the taxpayer may benefit from an 80% exemption from income tax on the income that would have been expected if the patents have been licensed to third parties. IPRs also benefit from a full exemption of net wealth tax.

On 26 February 2015, Pierre Gramegna announced that this regime will be amended in order to comply with the "**Modified nexus approach for IP regimes**" agreed by all OECD and G20 Countries on 5 February 2015.

In order to align with this new approach, the 2016 budget law repeals the existing IP tax regime as from 1 July 2016.

Taxpayers already benefitting from the IP tax regime would, however, continue to benefit from it until 30 June 2021.

New entrants will also be able to benefit from the IP tax regime until 30 June 2021 for IP rights:

(i) developed or acquired from unrelated parties before 1 July 2016 (including improvements to those IP rights completed before 1 July 2016);

(ii) acquired (including under any tax neutral transaction) from any related party, within the meaning of Article 56 of the Income Tax Law, before 31 December 2015; and

(iii) acquired (including under any tax neutral transaction) from any related party between 31 December 2015 and 1 July 2016, if the IP rights were already eligible for the previous IP tax regime at the time of their acquisition OR if they benefitted in a foreign country from an IP tax regime corresponding to the previous Luxembourg IP tax regime.

IP rights acquired from any related party after 31 December 2015 which do not meet the above conditions would only be eligible to the Luxembourg IP tax regime until 31 December 2016.

INFORMATION TECHNOLOGY

Personal data

EU – General Personal Data Protection Reform

On 15 December 2015, the Luxembourg Presidency of the Council of the European Union reached an informal agreement in trialogue with the European Parliament on the 'Data Protection' Package which will set out new European rules on privacy in the digital age. The Member States representatives gathered in Coreper approved this agreement on 18 December 2015.

Long awaited, the upcoming EU Regulation aims at:

(i) strengthening the individuals' rights regarding their data, for example, by allowing them to challenge targeted online advertising or to transfer personal data from one online service to another;

(ii) reducing the administrative burden for data controllers - to this end, prior notifications to national DPA's are abolished and obligations of data controllers are adjusted depending upon the risks of their activities on the protection of personal data;

(iii) enhancing cooperation between the national DPAs;

(iv) providing the same level of protection to all European citizens, even if their personal data is processed by companies established outside of the European Union.

The final texts will be formally adopted by the European Parliament and Council at the beginning 2016. After it comes into force, there will be a two-year timescale for the application of the Regulation.

E-commerce

Luxembourg – Online sales of drugs

A draft bill is expected to be filed in 2016, allowing the online sale of drugs, without prescription, by pharmacists. The sale of drugs, online or offline, will still be exclusively reserved to pharmacists.

Luxembourg – Alternative dispute resolution for consumer disputes

Directive No 2013/11 requires each Member State to set up, before 9 July 2015, entities of extrajudicial settlement of disputes arising between a professional established in its territory and a consumer residing in the EU. Consumers should be able to submit disputes arising from contractual obligations under a contract of sale or service to alternative dispute resolution bodies.

A draft bill defining the qualified alternative dispute resolution entities and proceedings was filed on 19 February 2015 in order to implement this Directive. It should be adopted early 2016.

Electronic transactions

EU – e-IDAS Regulation coming into force

Most of the provisions of Regulation No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) adopted on 23 July 2014, which repeals Directive 1999/93 on e-signatures, will come into force on 1st July 2016. Provided several conditions are met, Member States must recognise national electronic identification methods required under the law or by administrative practice of another Member State to access a service provided by a public sector body online. The Regulation provides a legal framework for electronic trusted services (electronic signatures, electronic seals, time stamp, electronic delivery service and website authentication) by defining qualification scheme, setting technical requirements and creating a supervisory body responsible for overseeing all trust service providers. It also states that an electronic document cannot be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form, which is of particular interest in the context of the new Luxembourg e-archiving law.

Cybersecurity

EU - First EU-wide rules to improve cybersecurity

On 7 December 2015, the European Council and the European Parliament reached an informal agreement on common rules to strengthen network and information security

(NIS) across the EU. The related upcoming directive will set out cybersecurity obligations for operators of essential services and digital service providers. It will contain a list of sectors regarded as critical, such as energy, transport, finance and health, where the requirements and supervision will be stronger than for providers of digital services (e-commerce platforms, search engines and cloud services). This reflects the degree of risk that any disruption to their services may pose to society and the economy. Once the agreed text is finalised, it needs to be formally approved first by the Council and then by the Parliament. It should be concluded in Spring 2016.

MEDIA

Labelling

EU – New rules on food labelling

As a reminder, most of the provisions of the EU Regulation dated 25 October 2011 on the provision of food information to customers (the "**FIC Regulation**") came into force across the EU countries on 12 December 2014. Rules in relation to the provision of a mandatory **nutrition declaration** will apply from 13 December 2016.

The mandatory nutrition declaration will at least include information regarding the energy value and the amounts of fat, saturates, carbohydrate, sugars, protein and salt.

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