

## **THE SALE OF PRODUCTS THAT HAVE PASSED THE DATE PRINTED ON THE PACKAGE. THE CASE “GREECE”**

The legislation currently in force provides that it's forbidden the sale of foodstuffs with an expiry date, from the first day after the date printed on the package.

The legislation does not regulate the sale of pre-packaged food bearing the date of minimum durability, products for which the passing of the date indicated on the label does not in itself constitute a danger to the health of the consumer.

Eggs, which must be delivered to the consumer within 21 days after laying, are an exception.

### **The case “Greece”**

In this regard should be specified that the “Greek case” concerning the sale of products which have passed their “best before” date is mere journalistic sensation.

In autumn 2013, a new law has been introduced in Greece to regulate the sale of foodstuffs that have passed the date of minimum durability.

Beyond this date nutritional and/or organoleptic changes may occur, but food remain absolutely not harmful to health.

It is recalled that the Commission Regulation (EC) No 178/2002 provides that all operators in the food industry have the duty to treat and trade only safe foods from a hygienic and health point of view.

The only condition set by the Greek measure is that foodstuffs sold beyond their date of minimum durability are clearly separate from other food for sale, and that a billboard should be hanged bearing in capital letters the words "FOOD THAT HAS PASSED ITS *BEST BEFORE DATE*".

The legislation also defined the timing of the sale that vary according to the type of product:

1. One week in case of products whose date of minimum durability provides an indication of the day and month.
2. One month in case of products whose date of minimum durability provides an indication of the month and year.
3. Three months in case of products whose date of minimum durability provides only the indication of the year.

The responsibility for the health and hygiene safety of these products falls, in these cases, on the seller.

It's forbidden the use of foodstuffs which have passed their date of minimum durability in public establishments.

Any replacement or modification of the date of minimum durability is forbidden.

Food that has passed its “best before” date must be sold at a lower price than that intended for the same product whose date of minimum durability is not exceeded.

Administrative sanctions are provided in the following cases:

- For not displaying the billboard with the lettering "FOOD THAT HAS PASSED ITS *BEST BEFORE DATE*" one thousand Euros (€ 1.000) for product code.
- For not separating foodstuffs that have passed their “best before” date from other food one thousand Euros (€ 1.000) for product code.

- For the falsification (replacement or modification) of the date of minimum durability two thousand Euros (€ 2.000) for product code.
- For the use of foodstuffs which have passed their date of minimum durability in public establishments, five thousand Euros (€ 5.000) for product code.
- For the transgression of the obligation to sell the products with the lettering "FOOD THAT HAS PASSED ITS *BEST BEFORE DATE*" at a lower price, two thousand Euros (€ 2.000) for product code.

## **RELEVANT LEGISLATION**

Legislative decree 109/1992, article 10.

Legislative decree 109/1992, article 10 bis.

Commission Regulation (EC) No 178/2002.

Commission Regulation (EC) No 853/2004

Commission Regulation (EC) No 589/2008.

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