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In case no. 3025-22, **Nestlé Sverige Aktiebolag** (Appellant) v. the **Environmental Committee of the Municipality of Helsingborg** (Respondent), the Supreme Administrative Court delivered the following judgment on 15 December 2025.

RULING OF THE SUPREME ADMINISTRATIVE COURT

The Supreme Administrative Court rejects the appeal.

BACKGROUND

1. Nestlé Sverige Aktiebolag provides food for special medical purposes in Sweden. Such food is specially prepared and intended for dietary treatment of persons with a reduced ability to consume or assimilate normal foods or nutrients therein. The food is used as the only or supplementary source of nutrients under medical supervision.

2. The food is subject to specific rules concerning labelling of the packaging which, to a certain extent, deviates from the rules applicable to ordinary food.

3. A large number of the company's packages which contain food for special medical purposes are marked on the front with information regarding energy value and the actual amounts of the nutrients (such as fats, proteins and dietary fibre) expressed per portion or per consumption unit.

4. The Environmental Committee of the Municipality of Helsingborg decided to order the company to remove this information from the packaging within the Resource, Novasource, Isosource, Peptamen and Infasource product series. According to the Environmental Committee, the information is not permissible since it constitutes a repetition of information found in the mandatory nutrition declaration.

5. The company requested review of the decision without success either from the Environmental Committee or, following an appeal, the Country Administrative Board of Skåne county. The company then appealed to the Administrative Court in Malmö and claimed that the decision was to be reversed.

6. The administrative court rejected the appeal. So did the Administrative Court of Appeal in Gothenburg after the company had appealed there. Both the administrative court and administrative court of appeal made the assessment that the matter involved unauthorised repetition of information contained in the mandatory nutrition declaration.

CLAIMS, ETC.

7. *Nestlé Sverige Aktiebolag* claims that the order is to be annulled.

8. *The Environmental Committee of the Municipality of Helsingborg* is of the opinion that the appeal is to be rejected.

REASONS FOR THE RULING

The question in the Supreme Administrative Court

9. The question concerns the relationship between Articles 5(2)(g) and 6(2) of the Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes (Regulation 2016/128).

Legislation, etc.

10. Article 9(1) of Regulation (EU) No. 1169/2011 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 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 (Regulation 1169/2011) contains a list of information which is mandatory in the labelling of a food, including a nutrition declaration.

11. Article 30(1) states that the mandatory nutrition declaration shall include information regarding energy value and the amounts of nutrients. According to Article 32(2), the energy value and the amount of nutrients shall be expressed per 100 g or per 100 ml.

12. It follows from Article 33(1) that the nutrition declaration may, under certain circumstances, also contain information regarding the energy value and the amounts of nutrients expressed per portion and/or per consumption unit.

13. Delegated Regulation 2016/128 contains specific information requirements regarding food for special medical purposes. According to Article 5(2)(g), in addition to the mandatory particulars listed in Article 9(1) of Regulation (EU) No. 1169/2011, certain additional particulars are mandatory for such food, including a description of the properties and/or characteristics that make the product useful in relation to the disease or medical condition for the dietary management of which the product is intended, in particular, as the case may be, relating to the special processing and formulation, the nutrients which have been increased, reduced, eliminated or otherwise modified and the rationale of the use of the product.

14. Pursuant to Article 6(2) of the same Delegated Regulation, the information included in the mandatory nutrition declaration shall not be repeated on the labelling.

Preliminary ruling from the European Court of Justice

15. The Supreme Administrative Court has obtained a preliminary ruling from the European Court of Justice in order to clarify whether certain particulars regarding energy value and the amounts of different nutrients on packaging which contains food for special medical purposes constitute unauthorised repetition of the particulars included in the mandatory nutrition declaration or whether they, on the contrary, constitute authorised information which supplements the mandatory nutrition declaration.

16. In the request for a preliminary ruling, the following questions were posed.

Question 1: Can information regarding a product's energy value and the amounts of different nutrients it contains, which is provided elsewhere than in the nutrition declaration, constitute an additional description of the product's properties and characteristics, as referred to in Article 5(2)(g) of Delegated Regulation 2016/128?

Question 2: If the answer to Question 1 is in the affirmative, does Article 6(2), which prohibits the repetition of labelling of information included in the mandatory nutrition declaration, preclude the indication, in a description under Article 5(2)(g), of information on the energy value and the amount of different nutrients, if that information is expressed in a way other than per 100 g or per 100 ml?

17. The European Court of Justice answered the questions in the judgment in case C-315/24 (EU:C:2025:769).

18. The European Court of Justice notes that the very wording of Article 5(2)(g) of Delegated Regulation No. 2016/128 provides that that provision concerns mandatory particulars, i.e. in addition to those which must already appear under Article 9(1) of Regulation 1169/2011. For this reason, particulars regarding the energy value and amount of various nutrients cannot constitute both mandatory information in accordance with Article 9(1) of Regulation No. 1169/2011 and additional mandatory particulars within the meaning of Article 5(2)(g) of Delegated Regulation 2016/128 (para. 32).

19. According to the European Court of Justice, the description of the properties and/or characteristics within the meaning of Article 5(2)(g), from a literal interpretation of the provision, cannot refer to particulars that already appear, albeit expressed differently, in the mandatory nutrition declaration on the back of the packaging of the food in question and which is merely repeated on the front of that packaging, where the latter particulars contain no description of the properties and/or characteristics of that food (para. 35).

20. The particulars at issue in the case are covered, according to the European Court of Justice, by the mandatory nutrition declaration under Article 30(1) of

Regulation No. 1169/2011 and, in this context, it is not decisive in which form they are expressed since they still relate to the same substance (paras. 42 and 43).

21. According to the European Court of Justice, it is further apparent that all of the particulars mentioned in Article 5 of Delegated Regulation No. 2016/128 go beyond the nutritional content of the food concerned and are intended to be in addition to that information. The information necessary for the proper use of those foods cannot, according to the Court, be limited to a mere repetition of the particulars that already exist in the mandatory nutrition declaration, but must set out the properties and/or characteristics of those foods (paras. 45 and 46).

22. Ultimately, the European Court of Justice answered the Supreme Administrative Court's questions in the following way.

23. Article 5(2)(g) and 6(2) of Delegated Regulation No. 2016/128 must be interpreted as meaning that the indication of the energy value and the amount of various nutrients, expressed per portion or per consumption unit, on the front of the packaging of the food for special medical purposes, whereas the mandatory nutrition declaration on the back of that packaging contains a statement of those same elements per 100 g or per 100 ml, does not constitute a "description of the properties and/or characteristics" of a product within the meaning of Article 5(2)(g) of that Delegated Regulation, but is a repetition of the information in that mandatory nutrition declaration, which is prohibited by Article 6(2) of that Delegated Regulation.

The Court's assessment

24. By virtue of the ruling of the European Court of Justice, it is clear that the indication of the particulars relevant in the case on the front of the packaging of food for special medical purposes constitutes an unauthorised repetition of the particulars included in the mandatory nutrition declaration even if that information is expressed in a way other than in the mandatory nutrition declaration.

25. The order of the Environmental Committee to the company to remove the particulars from the packaging was thus legally based.

26. Accordingly, the company's appeal is rejected.

Justices Henrik Jermsten, Inga-Lill Askersjö, Magnus Medin, Mikael Westberg and Karin Attorps have participated in the ruling.

Judge Referee: Cecilia Sjöstrand.