

'Hard-core' lobbying: a sample of "voting recommendations" sent by lobbyists to MEPs on the new EU food labelling regulation



Corporate Europe Observatory (CEO) has collected more than twenty e-mails from industry lobbyists with 'voting recommendations' for MEPs ahead of the ENVI committee vote, in March 2010, on the 'Sommer report' about the new EU regulation on food labelling.

These are just a very small, non-representative fraction of the lobby messages that have bombarded MEPs during the €1-billion campaign by the food and drink industry to block 'traffic-light' labelling.

According to Kartika Liotard MEP, industry sent

more than 100 e-mails for every one sent by civil society.

CEO is publishing these documents because we think they should be in the public domain, to allow EU citizens and journalists to understand who is influencing EU legislation on this issue.

Date	Lobby group	Message
22-02-2010	IBC – International Butchers' Confederation	Voting recommendations
22-02-2010	CLITRAVI – Liaison Centre for the Meat Processing Industry in the European Union	Opposition to country of origin labelling of raw materials gone into processed foods
24-02-2010	CIAA – Confederation of the Food and Drink Industries of the EU	Invitation for MEPs, advisors and assistants to lunch debate
01-03-2010	CIAA – Confederation of the Food and Drink Industries of the EU	Voting recommendations
08-03-2010	EDA – European Dairy Association	Voting recommendations + position paper
09-03-2010	HOTREC – Hotels, Restaurants and Cafés in Europe	Voting recommendations
11-03-2010	CEPS – European Spirits Organisation	Voting recommendations
11-03-2010	FFVA – French Federation of Wine Cocktails	Position paper
11-03-2010	ICGA – International Chewing Gum Association	Voting recommendations
11-03-2010	Nestlé	Voting recommendations
12-03-2010	Danone	Voting recommendations + position paper
12-03-2010	EEB – European Environmental Bureau HEAL – Health and Environment Alliance	Voting recommendations
12-03-2010	ENSA – European Association of Natural Soyfoods Manufacturers	Voting recommendations + position paper
12-03-2010	EuroCommerce (retail, wholesale and international trade sectors in Europe)	Voting recommendations
12-03-2010	PMAF – Global Protection of Farm Animals	Voting recommendations
12-03-2010	UEAPME – European Association of Craft, Small and Medium-sized Enterprises	Position paper
15-03-2010	CIAA – Confederation of the Food and Drink Industries of the EU	Quizz results
15-03-2010	EFANET – European Federation of Allergy and Airway Diseases Patients Associations (sponsors include GlaxoSmithKline, Novartis, BoehringerIngelheim...)	Position paper + patient testimony
15-03-2010	EPHA – European Public Health Alliance	Voting recommendations
15-03-2010	Federation of German Consumer Organizations & German health associations	Position paper
16-03-2010	BEUC – European Consumers' Organisation	Press release sent after ENVI vote
June 2008	Coca-Cola	Position paper

Sujet: Proposal for a regulation on the provision of food information to consumers: IBC voting list

Expéditeur: "CIBC / IMV / IBC" <info@cibc.be>

Date: Mon, 22 Feb 2010 12:37:56 +0200

Destinataire: "LEINEN Jo" <jo.leinen@europarl.europa.eu>, "LEPAGE Corinne" <corinne.lepage@europarl.europa.eu>, "SCHLYTER Carl" <carl.schlyter@europarl.europa.eu>, "SONIK Boguslaw" <boguslaw.sonik@europarl.europa.eu>, JØRGENSEN Dan <dan.jorgensen@europarl.europa.eu>, ÁDER János <janos.ader@europarl.europa.eu>, "ANTONESCU Elena Oana" <oana.antonescu@europarl.europa.eu>, "ARSENIS Kriton" <kriton.arsenis@europarl.europa.eu>, "AYUSO Pilar" <pilar.ayuso@europarl.europa.eu>, "BARTOLOZZI Paolo" <paolo.bartolozzi@europarl.europa.eu>, BÉLIER Sandrine <sandrine.belier@europarl.europa.eu>, "BERLATO Sergio" <sergio.berlato@europarl.europa.eu>, "CABRNOCH Milan" <milan.cabrnoch@europarl.europa.eu>, "CALLANAN Martin" <martin.callanan@europarl.europa.eu>, "CHILDERS Nessa" <nessa.childers@europarl.europa.eu>, "DAVIES Chris" <chris.davies@europarl.europa.eu>, DE BRÚN Bairbre <bairbre.debrun@europarl.europa.eu>, "DELVAUX Anne" <anne.delvaux@europarl.europa.eu>, "EICKHOUT Bas" <bas.eickhout@europarl.europa.eu>, "ESTRELA Edite" <edit.estrela@europarl.europa.eu>, "EVANS Jill" <jill.evans@europarl.europa.eu>, "FLORENZ Karl-Heinz" <karl-heinz.florenz@europarl.europa.eu>, "GARDINI Elisabetta" <elisabetta.gardini@europarl.europa.eu>, "GERBRANDY Gerben-Jan" <gerben-jan.gerbrandy@europarl.europa.eu>, "GIRLING Julie" <julie.girling@europarl.europa.eu>, "GRIFFIN Nick" <nick.griffin@europarl.europa.eu>, "GROSSETETE Francoise" <francoise.grossetete@europarl.europa.eu>, "GUTIERREZ-CORTINES Cristina" <cristina.gutierrez-cortines@europarl.europa.eu>, "HASSI Satu" <satu.hassi@europarl.europa.eu>, "HIBNER Jolanta Emilia" <jolantaemilia.hibner@europarl.europa.eu>

Destinataire: "LEINEN Jo" <jo.leinen@europarl.europa.eu>, "LEPAGE Corinne" <corinne.lepage@europarl.europa.eu>, "SCHLYTER Carl" <carl.schlyter@europarl.europa.eu>, "SONIK Boguslaw" <boguslaw.sonik@europarl.europa.eu>, JØRGENSEN Dan <dan.jorgensen@europarl.europa.eu>, ÁDER János <janos.ader@europarl.europa.eu>, "ANTONESCU Elena Oana" <oana.antonescu@europarl.europa.eu>, "ARSENIS Kriton" <kriton.arsenis@europarl.europa.eu>, "AYUSO Pilar" <pilar.ayuso@europarl.europa.eu>, "BARTOLOZZI Paolo" <paolo.bartolozzi@europarl.europa.eu>, BÉLIER Sandrine <sandrine.belier@europarl.europa.eu>, "BERLATO Sergio" <sergio.berlato@europarl.europa.eu>, "CABRNOCH Milan" <milan.cabrnoch@europarl.europa.eu>, "CALLANAN Martin" <martin.callanan@europarl.europa.eu>, "CHILDERS Nessa" <nessa.childers@europarl.europa.eu>, "DAVIES Chris" <chris.davies@europarl.europa.eu>, DE BRÚN Bairbre <bairbre.debrun@europarl.europa.eu>, "DELVAUX Anne" <anne.delvaux@europarl.europa.eu>, "EICKHOUT Bas" <bas.eickhout@europarl.europa.eu>, "ESTRELA Edite" <edit.estrela@europarl.europa.eu>, "EVANS Jill" <jill.evans@europarl.europa.eu>, "FLORENZ Karl-Heinz" <karl-heinz.florenz@europarl.europa.eu>, "GARDINI Elisabetta" <elisabetta.gardini@europarl.europa.eu>, "GERBRANDY Gerben-Jan" <gerben-jan.gerbrandy@europarl.europa.eu>, "GIRLING Julie" <julie.girling@europarl.europa.eu>, "GRIFFIN Nick" <nick.griffin@europarl.europa.eu>, "GROSSETETE Francoise" <francoise.grossetete@europarl.europa.eu>, "GUTIERREZ-CORTINES Cristina" <cristina.gutierrez-cortines@europarl.europa.eu>, "HASSI Satu" <satu.hassi@europarl.europa.eu>, "HIBNER Jolanta Emilia" <jolantaemilia.hibner@europarl.europa.eu>

Ladies and Gentlemen,

On 16 March 2010, you will vote the amendment proposals regarding the above proposal for a regulation in the ENVI committee.

Please find enclosed the remarks of the International Butchers' Confederation (IBC) for that vote, in FR, DE and EN.

Thank you very much for your attention and your support.

Yours sincerely,

INTERNATIONAL BUTCHERS' CONFEDERATION

Mesdames et Messieurs,

Le 16 mars 2010, vous procéderez, au sein de la commission ENVI, au vote concernant les propositions d'amendements pour la proposition de règlement ci-dessus.

Veuillez trouver ci-joint les remarques de la Confédération Internationale de la Boucherie et de la Charcuterie (CIBC) pour ce vote, en FR, DE et EN.

Nous vous remercions de votre attention et de votre soutien.

Avec nos meilleures salutations.

CONFEDERATION INTERNATIONALE DE LA BOUCHERIE ET DE LA CHARCUTERIE

Sehr geehrte Damen und Herren,

Am 16. März 2010 werden Sie im ENVI-Ausschuss über die Änderungsanträge zu dem o. g. Verordnungsvorschlag abstimmen.

Anbei übersenden wir Ihnen die Anmerkungen des Internationalen Metzgermeister-Verbandes (IMV) für diese Abstimmung in FR, DE und EN.

Wir bedanken uns für Ihre Aufmerksamkeit und für Ihre Unterstützung.

Mit freundlichen Grüßen

INTERNATIONALER METZGERMEISTER-VERBAND

*CIBC / IMV / IBC
4, rue Jacques de Lalaing
B-1040 Bruxelles
Tel : +32 2 230 38 76
Fax : + 32 2 230 34 51
info@cibc.be*



CONFÉDÉRATION INTERNATIONALE DE
LA BOUCHERIE ET DE LA CHARCUTERIE
INTERNATIONALER METZGERMEISTER-VERBAND
INTERNATIONAL BUTCHERS' CONFEDERATION

• Remarks for the vote in the ENVI committee on 16 March 2010 •

*Proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers
COM(2008)0040 – C6-0052/2008 – 2008/0028(COD)*

Ladies and Gentlemen,
Dear Members of the European Parliament,

On 16 March 2010, you will vote the amendment proposals regarding the above proposal for a regulation in the ENVI committee.

Food labelling is a topic of existential importance to the food manufacturing SME businesses of the craft butcher and catering sector.

Here are the main characteristics of the craft butcher and catering sector:

The craft butcher companies are mainly so called microenterprises, i.e SMEs with less than 10 staff. More than 180 different products are proposed for sale per day in an average craft company. About 90 % of those products are loose, non-prepacked products, intended in general to be eaten soon after having been sold to the consumer. Hardly standardized recipes and often typically regional products are subject to variations due to consumer choices and current availability of raw materials and ingredients.

A certain number of those businesses are moreover supplying regional public institutions such as hospitals or nursery schools with lunches or local restaurants with their products. Craft businesses are also active in catering or partyservice.

The operators of the craft butcher and catering sector are therefore **classical local suppliers**.
Article 95 of the Treaty establishing the European Union provides for the legal basis for the draft regulation revising the EU labelling legislation. Article 95 aims at the harmonisation of the internal market.
As described above, the activities of the craft butcher and catering sector are in general **no transborder activities**, which means that they **do not constitute a risk to the functioning of the internal market**.
Labelling rules that are easy, flexible and hardly compulsory are therefore of crucial importance to craft businesses. Legal frameworks must hence be especially adapted to the specific needs in small craft businesses.

With a view to the imminent vote, the IBC¹, European umbrella organisation of the craft butcher and catering sector, would like to again herewith underline the most important points for the future of the craft businesses.

IN GENERAL

The basic principle for the new regulation must be: a minimum of mandatory labelling elements, to avoid that the consumer will be overstrained with a flood of information or even misled and to avoid that SMEs will have to cope with heavy administrative burdens.

This is the only way to achieve the aims of the regulation, i.e. simplification, security and clarity of the legislation, and that red tape can be cut.

To begin with, we would also like to underline that the rapporteur, MEP Dr. Renate Sommer, globally succeeded with her own amendment proposals to submit balanced proposals which take into account not only consumer interests, but also the feasibility on the operator side.

IN PARTICULAR

1. no introduction of mandatory labelling with traffic lights or colours for foodstuffs

The draft regulation among others aims at informing the consumer and to encourage balanced and healthy diets. With traffic lights however, which cannot be explained by nutritional science, foodstuffs would be subject to arbitrary discrimination and the consumer would even be misled (example: nuts or butter would have to be marked with red colour because of their natural fat. By doing so, their importance in diets and for the consumers' health could not be underlined.).

Amendment proposals which aim at introducing **mandatory** labelling with traffic lights or colours for foodstuffs must therefore be rejected.

2. no introduction of mandatory labelling on non-prepacked foods (loose products)

Non-prepacked foods, foods which are packed at the point of sale on request of the consumer and foods which are packed with a view to being sold immediately, must be explicitly exempted from the scope of the regulation.

The following amendment proposals, as well as their justifications, must therefore be supported:

Yes to amendment proposals **359** **187**

3. no transposition as such of allergen labelling on pre-packed foods to non-prepacked foods

Mandatory allergen labelling on non-prepacked foods must not be introduced for the following reasons: SME businesses of the craft food sector are mainly selling their products in their own shops. Their sales staff is qualified and can directly inform the consumer about allergens in the foodstuffs offered for sale. It would therefore be disproportionate to label 100 % of the products offered for sale in case of one potential allergic customer who can be informed when he buys the product.

Already now and in each EU Member State, the craft butcher and catering sector is making many efforts to provide comprehensive information to the consumer regarding the nutritional value of his foods, be it through the advice when the product is sold or with product information material made available in the shop. These efforts must be recognized and cannot be destroyed by standardized, unflexible EU legislation.

The following amendment proposal, as well as its justification, must therefore be supported:

Yes to amendment proposal **373**

¹The International Butchers' Confederation (IBC) is a federation of national associations of small and medium-sized craft butcher and catering companies. The IBC today represents 17 associations from the countries of the European Union and the EFTA with a total of more than 150,000 butcher and catering companies, which together employ nearly 1 million people. The total turnover of this sector amounts in excess of 60 billion euro per year. www.cibc.be

4. no introduction of mandatory nutrition labelling

Nutrition labelling must remain, as is the case up to now, voluntary. Because of the aforementioned reasons this is especially true for craft foodstuffs. Two thirds of all the foodstuffs are already today bearing nutrition labelling on a voluntary basis. Guidelines to further harmonize voluntary nutrition labelling would perfectly contribute to better consumer information.

Mandatory nutrition labelling would be ruinous for craft businesses, not only as regards the time involved, but also as regards the investments to be made. As described, craft manufactured foods vary a lot from one day to another. If a single nutritional analysis is estimated to cost 400 euros, this would mean 72,000 euros per business for a product range of 180 products – with of course the prerequisite that the product range stays the same. Recipes are however subject to the availability of the raw materials of each season. Should the business even survive, then the product variety would undoubtedly suffer. As a consequence, an unprecedented number of SMEs would have to close shop.

The following amendment proposal, which is the closest to the present demand, as well as its justification, must therefore be supported:

Yes to amendment proposal

318

5. no introduction of mandatory origin labelling

Origin labelling, if any, should be mandatory only if otherwise the consumer would be highly misled. Any other attempt would only lead to undesirable „nationalisation“ in the EU.

Origin labelling is part of the „nice to know“, but not of the „need to know“ category and should therefore, apart from the aforementioned exception, remain voluntary. Food business operators will continue to use origin labelling also in the future, as an optional marketing tool. Especially with regard to processed products, mandatory origin labelling is anyway not feasible (e.g. butter, with milk from e.g. 15 different countries). But also for foodstuffs with just one ingredient, like meat, one should not make the mistake to set in place a new bureaucratic monster such as the one for beef labelling. Any extension of mandatory origin labelling to meat and poultry must be totally rejected. In practice, that information is given to the consumer on request at the latest.

The following amendment proposal, as well as its justification, must therefore be supported:

Yes to amendment proposal

149

6. no introduction of additional mandatory labelling regarding the date of manufacture

The date of manufacture is a business internal data. Another date on the label (together with the minimum durability date and the use by date) would only mislead the consumer and represent additional and disproportionate administrative burden for the manufacturer.

The following amendment proposals, as well as their justifications, must therefore be rejected:

No to amendment proposals

119 120

Ladies and Gentlemen, dear Members of the European Parliament, we thank you very much for the attention which you will pay to our remarks!

We remain at your disposal for any question that you might have.

With kind regards

Kirsten Diessner
Managing Director of the IBC Secretariat General



**CONFÉDÉRATION INTERNATIONALE DE
LA BOUCHERIE ET DE LA CHARCUTERIE**
INTERNATIONALER METZGERMEISTER-VERBAND
INTERNATIONAL BUTCHERS' CONFEDERATION

• Remarques pour le vote au sein de la commission ENVI le 16 mars 2010 •

Proposition de règlement du Parlement européen et du Conseil concernant l'information des consommateurs sur les denrées alimentaires
COM(2008)0040 – C6-0052/2008 – 2008/0028(COD)

Mesdames et Messieurs Députés européens,

Le 16 mars 2010, vous procéderiez, au sein de la commission ENVI, au vote concernant les propositions d'amendements pour la proposition de règlement ci-dessus.

L'information des consommateurs et l'étiquetage des denrées alimentaires sont des sujets d'une importance existentielle pour les entreprises PME du secteur artisanal de la boucherie-charcuterie et traiteurs qui produisent des denrées alimentaires.

Voici les caractéristiques principales du secteur artisanal de la boucherie-charcuterie et traiteurs:

Les entreprises artisanales de boucherie-charcuterie et traiteurs sont pour la plupart des „micro-entreprises“, c'est-à-dire des entreprises PME avec moins de 10 collaborateurs. Une entreprise artisanale moyenne propose chaque jour plus de 180 produits différents à la vente. Environ 90 % de ces produits sont des produits vendus en vrac, donc des produits non emballés destinés en général à une consommation rapide après la vente au consommateur. Les recettes qui sont rarement standardisées et les produits souvent typiquement régionaux varient entre autres en fonction des demandes individuelles des clients et de la disponibilité du moment des matières premières et des ingrédients.

Un certain nombre de ces entreprises fournit par ailleurs des repas de midi à des collectivités régionales, des hôpitaux ou des jardins d'enfants, d'autres livrent leurs produits à la gastronomie ou le secteur du détail. Les entreprises artisanales sont également actives dans le service traiteur et de réception.

Les entreprises artisanales de boucherie-charcuterie et traiteurs proposent dès lors le **service classique de proximité**.

L'**article 95** du traité instituant la communauté européenne constitue la base juridique pour la proposition de règlement sur la réorganisation de la législation pour les denrées alimentaires. L'objectif de l'article 95 est l'harmonisation du marché intérieur.

Comme décrit plus haut, les activités du secteur artisanal de la boucherie-charcuterie et traiteurs ne sont en général **pas des activités transfrontalières**, et **ne risquent** dès lors **pas d'être à l'origine d'entraves au fonctionnement du marché intérieur**.

Voilà pourquoi des règles d'étiquetage simples, souples et peu contraignantes sont d'une importance capitale pour les entreprises artisanales. Le cadre légal doit tout particulièrement être adapté aux besoins spécifiques des petites entreprises artisanales.

En tant que confédération européenne du secteur artisanal de la boucherie-charcuterie et traiteurs, la CIBC¹ se permet dès lors par la présente, en vue du vote imminent, de souligner encore une fois les points les plus importants pour l'avenir des entreprises artisanales.

CONSIDERATIONS GENERALES

Le nouveau règlement doit être régi par le principe de base suivant: un minimum d'indications obligatoires sur les étiquettes, pour éviter que le consommateur ne soit dépassé par le nombre d'informations ou même induit en erreur et que les PME n'aient à supporter des charges administratives très lourdes.

C'est uniquement de cette manière que les objectifs du règlement, à savoir la simplification de la législation, la clarté et la sécurité juridique peuvent être atteints et que les charges administratives peuvent diminuer.

Nous souhaitons encore souligner d'emblée que la rapporteure, la députée européenne Dr. Renate Sommer, a réussi dans l'ensemble, grâce à ses propres propositions d'amendements, à soumettre des propositions équilibrées qui prennent en compte aussi bien les intérêts des consommateurs que la faisabilité du côté des opérateurs.

CONSIDERATIONS PARTICULIERES

1. ne pas introduire un étiquetage obligatoire utilisant des feux de signalisation ou des couleurs pour les denrées alimentaires

La proposition de règlement vise entre autres à informer le consommateur et à l'inciter à avoir une alimentation équilibrée et saine. Des feux de signalisation ne bénéficiant d'aucun fondement diététique représenteraient une discrimination aléatoire de denrées alimentaires, voire induiraient le consommateur en erreur (exemple: à cause de leur teneur naturelle en matières grasses, les noix ou le beurre devraient être marqués en rouge. Leur valeur pour l'alimentation et la santé des consommateurs ne pourrait pas être soulignée.).

Des propositions d'amendements qui visent à introduire un étiquetage **obligatoire** utilisant des feux de signalisation ou des couleurs pour les denrées alimentaires, sont dès lors à rejeter.

2. ne pas introduire un étiquetage obligatoire pour les denrées alimentaires non préemballées (produits en vrac)

Les denrées alimentaires non préemballées, les denrées alimentaires emballées dans le point de vente sur demande du consommateur ou emballées en vue de la vente imminente, doivent être explicitement exclues du champ d'application du règlement.

Il faut dès lors soutenir les propositions d'amendements suivantes, ainsi que leurs justifications:

Pour les propositions d'amendements

359 187

3. ne pas transposer l'étiquetage des allergènes pour les denrées alimentaires préemballées tel quel sur les denrées alimentaires non préemballées

Il ne faut pas introduire un étiquetage obligatoire des allergènes pour les denrées alimentaires non préemballées pour les raisons suivantes: les petites et moyennes entreprises du secteur alimentaire vendent leurs produits majoritairement dans leurs propres points de vente. Elles disposent d'un personnel de vente qualifié qui peut renseigner directement le consommateur au sujet de la présence d'allergènes dans les denrées alimentaires proposées à la vente. Ce serait dès lors disproportionné d'étiqueter 100 % des produits en vente dans l'éventualité d'un client allergique potentiel qui peut être renseigné par le conseil à la vente.

Déjà aujourd'hui et dans tous les pays de l'UE, le secteur artisanal de la boucherie-charcuterie et traiteurs fait de grands efforts pour informer les consommateurs de la manière la plus complète possible sur la valeur nutritionnelle de ses denrées alimentaires, que ce soit lors du conseil à la vente ou au moyen de documents d'information mis à disposition dans le point de vente. Ces efforts méritent d'être reconnus et ne doivent pas être anéantis par une législation européenne standardisée et rigide.

¹ La Confédération Internationale de la Boucherie et de la Charcuterie (CIBC) est une association de fédérations nationales de petites et moyennes entreprises de bouchers, charcutiers et traiteurs. La CIBC représente actuellement 17 associations professionnelles des pays de l'Union Européenne et de l'A.E.L.E. regroupant plus de 150.000 entreprises artisanales de boucherie et de charcuterie. Près de 1 million de personnes y sont employées. Le chiffre d'affaires total de ce secteur s'élève annuellement à environ 60 milliards d'euros. www.cibc.be

Il faut dès lors soutenir la proposition d'amendement suivante, ainsi que sa justification:

Pour la proposition d'amendement

373

4. ne pas introduire un étiquetage nutritionnel obligatoire

L'étiquetage nutritionnel doit, comme c'est le cas actuellement, rester volontaire. Pour les raisons déjà invoquées, c'est particulièrement le cas pour les denrées alimentaires artisanales. Deux tiers de toutes les denrées alimentaires possèdent déjà aujourd'hui un étiquetage nutritionnel sur base volontaire. Des lignes directrices qui contribuent à harmoniser encore davantage l'étiquetage nutritionnel volontaire, seraient amplement suffisantes pour améliorer l'information du consommateur.

L'étiquetage nutritionnel obligatoire représenterait une surcharge fatale non seulement en termes de temps nécessaire, mais également en investissements. Comme déjà évoqué, les denrées alimentaires de fabrication artisanale varient très fort d'un jour à l'autre. Si on estime que le coût d'une seule analyse nutritionnelle s'élève à 400 euros, alors on arrive à un total de 72.000 euros pour une gamme de 180 produits par entreprise – à condition bien sûr que la gamme reste inchangée. Dans les faits, les recettes varient en fonction de la disponibilité des matières premières de la saison. Si les entreprises devaient survivre, alors la variété des produits ne pourrait qu'en souffrir. On assisterait alors à une disparition massive et incomparable de PME.

Il faut dès lors soutenir la proposition d'amendement suivante qui va le plus dans le sens de la demande avancée:

Pour la proposition d'amendement

318

5. ne pas introduire un étiquetage d'origine obligatoire

L'étiquetage d'origine devrait être exigé tout au plus dans les cas où le consommateur risquerait d'être fortement induit en erreur. Autrement, on assisterait à une « nationalisation » non-souhaitable au sein de l'UE.

L'indication de l'origine est du domaine du „nice to know“, mais pas du „need to know“ et devrait dès lors rester volontaire, sauf pour l'exception mentionnée ci-dessus. Les opérateurs du secteur alimentaire continueront à utiliser l'indication d'origine sur une base volontaire, car cet étiquetage restera pour eux un instrument de marketing. C'est surtout pour les produits transformés que l'étiquetage d'origine obligatoire est impossible à mettre en oeuvre (exemple: le beurre fabriqué avec du lait provenant p.ex. de 15 pays différents). Mais il ne faudrait pas non plus commettre l'erreur de mettre en place pour les denrées alimentaires composées d'un seul ingrédient, comme la viande, un nouveau monstre bureaucratique comme celui de l'étiquetage de la viande bovine. L'extension de l'étiquetage d'origine obligatoire à la viande et à la volaille est à rejeter totalement. Dans la pratique, cette information peut être donnée au consommateur sur demande de toute façon.

Il faut dès lors soutenir la proposition d'amendement suivante:

Pour la proposition d'amendement

149

6. ne pas introduire un étiquetage supplémentaire concernant la date de fabrication

La date de fabrication est une donnée interne de l'entreprise. Une nouvelle date sur l'étiquette (à côté de la date de durabilité minimale et de la date limite de consommation) ne ferait qu'induire le consommateur en erreur et représenterait une charge administrative supplémentaire pour le fabricant.

Il faut dès lors rejeter les propositions d'amendements suivantes:

Contre les propositions d'amendements

119 120

Mesdames et Messieurs Députés européens, nous vous remercions de l'attention que vous porterez à nos remarques et nous restons à votre disposition pour toute question éventuelle.

Avec mes meilleures salutations

Kirsten Diessner
Directrice du Secrétariat Général



**CONFÉDÉRATION INTERNATIONALE DE
LA BOUCHERIE ET DE LA CHARCUTERIE**
INTERNATIONALER METZGERMEISTER-VERBAND
INTERNATIONAL BUTCHERS' CONFEDERATION

Anmerkungen für die Abstimmung im ENVI am 16. März 2010

**Vorschlag für eine
Verordnung des Europäischen Parlaments und des Rates betreffend die Information der Verbraucher über
Lebensmittel
KOM(2008)0040 – C6-0052/2008 – 2008/0028(COD)**

Sehr geehrte Damen und Herren Europaabgeordnete,

Am 16. März 2010 werden Sie im ENVI-Ausschuss über die Änderungsanträge zu dem o. g. Verordnungsvorschlag abstimmen.

Das Thema Verbraucherinformation und Lebensmittelkennzeichnung ist für die lebensmittelherstellenden KMU-Betriebe des Fleischer- und Traiteurhandwerks von existenzieller Bedeutung.

Hier die wichtigsten Charakteristika des Fleischer- und Traiteurhandwerks:

Bei den Betrieben des Fleischer- und Traiteurhandwerks handelt es sich im Wesentlichen um so genannte Mikrounternehmen, also um KMU-Betriebe mit weniger als 10 Mitarbeitern. Ein durchschnittlicher Handwerksbetrieb hat täglich mehr als 180 verschiedene Produkte im Verkaufssortiment. Dabei handelt es sich bei etwa 90 Prozent der Produkte um lose, also unverpackte Ware, die in der Regel zum baldigen Verzehr an den Verbraucher abgegeben wird. Die wenig standardisierten Rezepturen und häufig regionaltypischen Produkte variieren u.a. nach individuellem Kundenwunsch und aktueller Verfügbarkeit von Rohstoffen und Zutaten.

Ein Teil der Handwerksbetriebe beliefert darüber hinaus regionale Gemeinschaftseinrichtungen wie Krankenhäuser oder Kindergärten mit Mittagsgerichten oder die lokale Gastronomie und den Einzelhandel mit seinen Produkten. Auch das Catering oder der Partyservice gehören zum Tätigkeitsfeld eines Handwerksbetriebs.

Der Fleischer- und Traiteurhandwerker ist damit **der klassische Nahversorger**.

Als Rechtsgrundlage des Verordnungsvorschlags zur Neuordnung des Lebensmittelkennzeichnungsrechts dient **Artikel 95** des EG-Vertrages. Artikel 95 hat die Harmonisierung des Binnenmarktes zum Ziel. Wie beschrieben, handelt es sich bei den vom Fleischer- und Traiteurhandwerk ausgeübten Tätigkeiten in der Regel aber **nicht um grenzüberschreitende Aktivitäten**, so dass durch diese auch **keine Störung des Binnenmarktes** zu befürchten ist.

Einfache, flexible und wenige verpflichtende Kennzeichnungsregeln sind für die handwerklichen Betriebe konsequenterweise von existenzieller Bedeutung. Gesetzliche Rahmenbedingungen müssen daher in ganz besonderem Maße auf die spezifischen Gegebenheiten in handwerklichen Kleinunternehmen zugeschnitten werden.

Als europäische Dachorganisation des Fleischer- und Traiteurhandwerks erlaubt sich der IMV¹ daher im Vorfeld der anstehenden Abstimmung mit diesem Schreiben nochmals auf die wichtigsten Punkte für die Zukunft von Handwerksbetrieben hinzuweisen.

G R U N D S Ä T Z L I C H E S

Das Grundprinzip für die neue Verordnung muss lauten: So wenige Pflichtkennzeichnungselemente wie möglich, um weder den Verbraucher mit einer Flut an Informationen zu überfordern oder gar in die Irre zu leiten, noch die KMU mit großen bürokratischen Anforderungen zu belasten.

Nur so können die Verordnungsziele der Rechtsvereinfachung, der Rechtssicherheit und Rechtsklarheit erreicht und zum Bürokratieabbau beigetragen werden.

Wir möchten ferner voranstellen, dass es der Berichterstatterin MdEP Dr. Renate Sommer mit den von ihr vorgelegten Änderungsanträgen im Wesentlichen gelungen ist, ausgewogene Vorschläge zu unterbreiten, die Verbraucherinteressen berücksichtigen, aber auch die Machbarkeit auf Herstellerseite beachten.

I M E I N Z E L N E N

1. Keine Pflicht zur Ampelkennzeichnung oder farblichen Bewertung von Lebensmitteln einführen

Ein Ziel des Verordnungsvorschlags ist es, den Verbraucher zu informieren und zu einer ausgewogenen und gesunden Ernährungsweise zu animieren. Durch ernährungswissenschaftlich nicht begründbare Ampelfarben würden Lebensmittel jedoch willkürlich diskriminiert und der Verbraucher sogar in die Irre geleitet (Beispiel: Nüsse oder Butter müssten aufgrund ihres natürlichen Fettgehalts mit rot gekennzeichnet werden. Ihre Bedeutung für die Ernährung und Gesundheit der Verbraucher würde so nicht vermittelt.).

Änderungsanträge mit dem Ziel, eine **Pflicht** zur Ampelkennzeichnung oder farblichen Bewertung von Lebensmitteln einzuführen sind daher abzulehnen.

2. Keine Pflicht zur Kennzeichnung nicht vorverpackter Lebensmittel (lose Ware) einführen

Nicht fertig vorverpackte Lebensmittel und Lebensmittel, die auf Wunsch des Verbrauchers am Verkaufsort verpackt werden oder im Hinblick auf ihren unmittelbaren Verkauf fertig abgepackt wurden, sind vom Anwendungsbereich der Verordnung ausdrücklich auszunehmen.

Die folgenden Änderungsanträge mitsamt ihren Begründungen sind daher zu unterstützen:

Pro Änderungsanträge

359 187

3. Keine 1 : 1 Übertragung der Allergenkennzeichnung von der vorverpackten auf die nicht vorverpackten Lebensmittel einführen

Eine Pflicht zur Allergenkennzeichnung unverpackter Lebensmittel darf aus den folgenden Gründen nicht eingeführt werden: KMU-Betriebe des Lebensmittelhandwerks vertreiben ihre Ware hauptsächlich über eigene Verkaufsgeschäfte. Sie verfügen über qualifiziertes Verkaufspersonal, das dem Verbraucher direkt Auskunft über allergene Stoffe in den angebotenen Lebensmitteln geben kann. Es wäre daher unverhältnismäßig 100 Prozent der angebotenen Ware für den Einzelfall des Allergikerkunden, der ja im Verkaufsgespräch beraten werden kann, zu deklarieren.

In jedem EU-Mitgliedstaat unternimmt das Fleischer- und Traiteurhandwerk bereits heute viele Anstrengungen, um den Verbraucher umfassend über die ernährungsphysiologische Zusammensetzung der von ihm hergestellten Lebensmittel aufzuklären. Sei es über das unmittelbare Verkaufsgespräch oder über ausliegendes Produktinformationsmaterial. Diese Anstrengungen müssen anerkannt werden. Sie dürfen nicht von standardisierten, unflexiblen EU-Gesetzen zunichte gemacht werden.

Der folgende Änderungsantrag mitsamt seiner Begründung ist daher zu unterstützen:

Pro Änderungsantrag

373

¹ Im Internationalen Metzgermeister-Verband (IMV) sind die europäischen Landesverbände mittelständischer, handwerklicher Metzger- und Traiteurbetriebe zusammengeschlossen. Derzeit gehören dem IMV 17 Fachverbände aus den Ländern der Europäischen Union und der EFTA an. Der IMV vertritt die Interessen von 150.000 Fleischer- und Metzgerhandwerksbetrieben mit mehr als 1 Million Beschäftigten. Der Gesamtumsatz dieser Unternehmen beträgt circa 60 Milliarden EURO. www.cibc.be

4. Keine Pflicht zur Nährwertkennzeichnung einführen

Die Nährwertkennzeichnung muss - wie bisher – freiwillig bleiben. Das gilt aus den beschriebenen Gründen ganz besonders für handwerklich hergestellte Lebensmittel. Zwei Drittel aller Lebensmittel tragen bereits heute eine Nährwertkennzeichnung auf freiwilliger Basis. Leitlinien, die eine freiwillige Nährwertkennzeichnung weiter harmonisieren, wären für eine verbesserte Verbraucherinformation völlig ausreichend.

Eine Pflicht zur Nährwertkennzeichnung wäre für Handwerksbetriebe nicht nur zeitlich, sondern auch finanziell ruinös. Wie beschrieben, unterliegen handwerklich hergestellte Lebensmittel einer täglichen grossen Variation. Veranschlagt man 400 Euro für nur eine einzige Nährwertanalyse, dann würde dies für ein Sortiment von 180 Produkten eine Summe von 72.000 Euro pro Betrieb ergeben – allein bei einem gleichbleibenden Sortiment, versteht sich. Tatsächlich variieren die Rezepturen je nach Verfügbarkeit der Rohstoffe der Saison. Sollte der Betrieb überhaupt überleben, so würde die Produktvielfalt unweigerlich leiden. Ein beispielloses KMU-Sterben wäre die Folge.

Der folgende Änderungsantrag, der dem vorgetragenen Anliegen am nächsten kommt, ist daher zu unterstützen:

Pro Änderungsantrag 318

5. Keine Pflicht zur Herkunfts kennzeichnung einführen

Eine Herkunftsangabe sollte allenfalls dann, wenn ansonsten eine erhebliche Irreführung des Verbrauchers gegeben wäre, gemacht werden müssen. Jeder andere Ansatz würde zu einer unerwünschten „Nationalisierung“ in der EU führen.

Die Angabe der Herkunft gehört in die Kategorie „nice to know“, aber nicht „need to know“ und sollte deswegen auch weiterhin bis auf den o. g. Ausnahmefall freiwillig bleiben. Der Lebensmittelunternehmer wird die Option der Herkunftsangabe auch weiterhin – freiwillig - als Marketinginstrument nutzen. Insbesondere in Bezug auf verarbeitete Produkte ist eine Pflicht zur Herkunftskennzeichnung ohnehin nicht praktikabel (Beispiel Butter, wobei die Milch z.B. aus 15 verschiedenen Ländern stammt). Aber auch bei Lebensmitteln, die aus nur einer Zutat bestehen, wie zum Beispiel Fleisch, sollte nicht der Fehler begangen werden, weitere Bürokratiemonster wie das der Rindfleischetikettierung einzuführen. Eine Ausweitung einer Pflichtkennzeichnung der Herkunft auf Fleisch und Geflügel ist strikt abzulehnen. In der Praxis wird die Information dem Verbraucher spätestens auf entsprechende Nachfrage gegeben.

Der folgende Änderungsantrag ist daher zu unterstützen:

Pro Änderungsantrag 149

6. Keine zusätzliche Pflicht zur Kennzeichnung des Herstellungsdatums einführen

Das Herstellungsdatum ist eine betriebsinterne Aufzeichnung. Auf dem Lebensmitteletikett würde eine weitere Datumsangabe (neben Mindesthaltbarkeitsdatum und Verbrauchsdatum) den Verbraucher lediglich irreführen und für den Hersteller einen unverhältnismässigen bürokratischen Mehraufwand bedeuten.

Die folgenden Änderungsanträge sind daher abzulehnen:

Contra Änderungsanträge 119 120

Sehr geehrte Damen und Herren Europaabgeordnete, wir bedanken uns für die Aufmerksamkeit, die Sie unseren Anmerkungen geschenkt haben!

Für Rückfragen stehen wir jederzeit gerne zur Verfügung.

Mit freundlichen Grüßen

Kirsten Diessner
Leiterin IMV-Generalsekretariat

Sujet :

GEN/010/012: Proposal for an EP and Council Regulation on the provision of food information to consumers - Country of origin labelling

De :

<clitravi@skypro.be>

Date :

Mon, 22 Feb 2010 xxxxxxxxx

To all ENVI Committee

To all Members of the ENVI Committee

Brussels, 22 February 2010
GEN/010/012

Re: Proposal for an EP and Council Regulation on the provision of food information to consumers - Country of origin labelling

Dear Madam, dear Sir,

CLITRAVI, the European organization for the meat processing industry (www.clitravi.eu), would like to draw your kind attention to the Opinion on *Agricultural product quality policy: what strategy to follow?* [2009/2105(INI)] drafted by MEP Pilar Ayuso and recently adopted by the Committee on the Environment, Public Health and Food Safety with an overwhelming majority.

We refer, in particular, to Suggestion N° 9 in which the ENVI Committee:

*Favours the **voluntary** indication of the origin of the raw materials which have gone into processed foods, while opposing the compulsory indication of the place of origin of agricultural products in processed and non-processed foods since this would saddle European industry with high costs which would be disproportionate to the potential value added generated by such a measure; is aware that European industry already has to meet strict labelling requirements in the interests of accurate consumer information; considers that the voluntary indication of the origin of the raw materials should not impede the internal market.*

CLITRAVI strongly supports this suggestion and recommends the Honourable Members of the ENVI Committee to be consistent with such position when voting on the Dr Renate Sommer's Draft Report on the pending "EP and Council Regulation on the provision of food information to consumers" (see voting recommendations table at the end of this letter).

CLITRAVI wants to underline that for meat products the "place of farming labelling" mentioned in the Commission Communication on Quality policy does not substantially differs from the "country of origin labelling", as both would require to indicate the provenance of livestock (birth, raising and slaughtering) used as raw material for meat products. It is therefore important to remind that in the case of a processed product, 'origin' refers to the place of last substantial transformation (which is not necessarily the same place where livestock was born, raised or

slaughtered) as also defined by CODEX, which rightly acknowledges that what gives a processed food its characteristics are not the raw material used but the know-how and expertise of the food manufacturer.

CLITRAVI is of the view that there is no case for changing the current EU-legislation i.e. only mentioning origin when not doing this would truly mislead the consumer. In all other cases, the indication of the origin of the raw material used in a processed product should be left voluntary as this has not to be seen as a marketing “standard”, but rather as a marketing “tool”.

The argument according to which compulsory indication of the provenance should be extended also to other meats (and to processed meat products) because it is already in place for beef and poultry is not convincing at all. As regards beef, where the traceability has exerted a positive influence on consumers’ confidence, it should be borne in mind that origin labelling was introduced with the only purpose to face a very specific problem (BSE) in the Nineties. Using this example to substantiate the extension of an obligatory origin labelling would be an unjustified generalization. In the second case, the labelling requirement is compulsory only for imported fresh poultrymeat, therefore making no difference for poultrymeat produced within the EU internal market. Using this example for showing that origin labelling works is not appropriate as this case refers more to another option, i.e. the possibility of introducing an ‘EU/non EU’ mention.

As regards the argument according to which consumers would like to know the provenance of the raw material for food safety reasons, **it would not be fair to make the concept of “food safety” coinciding with “country of origin”. All the foodstuffs marketed in the EU shall be considered in an equal manner, as all these products comply with the EU legislation.** Not recognizing this, by introducing compulsory national (or even regional!) origin labelling, would seriously undermine the functioning of the EU internal market.

Moreover, CLITRAVI opposes the idea of introducing a compulsory “country of origin labelling” at it is totally irrelevant for a dried fermented sausage for example to know the origin of all different meat ingredients (pork shoulder, bacon, beef, rind, etc.) contained in such product.

In addition, it is often impossible to know the provenance of meats at the time of producing the labels (often printed in advance for several months at a time). The use of multiple provenance meats might vary according to season, characteristics of the meats in question in relation to their purpose and price. This reflects the reality of commercial practices.

CLITRAVI would also like to underline that changing the origin of meat quickly may be needed in case of outbreaks of animal diseases and following EU or Member States measures to prevent spreading. This will not be possible in case of printed labels most often used on processed meat products. In much the same context, indicating the origin of meat on the label, will trigger negative market impact on

meat products which have been safely produced before the date of outbreak or which have been treated to eliminate the health risk.

Finally, today the amount of information which shall appear on labels is already substantial and posing problems of space. Additional information would not only lead to further constraints and costs (administrative and logistic) but also will not give any clear benefit to consumers and will even create confusion as "too much information creates misinformation" (*please see attached a self-explaining picture from the provisional results of an ongoing research carried out by Prof. Wim Verbeke of Ghent University*).

To conclude, **CLITRAVI firmly believes that consumers have the right of not being misled or confused and therefore that a correct enforcement of the existing labelling legislation throughout the EU -rather than new burdensome rules- is urgently needed.**

Thanking you in advance for your attention, we send you our best regards.

Yours sincerely,



Enrico Frabetti
Deputy Secretary General

VOTING RECOMMENDATIONS

CLITRAVI therefore asks Members of the Committee to

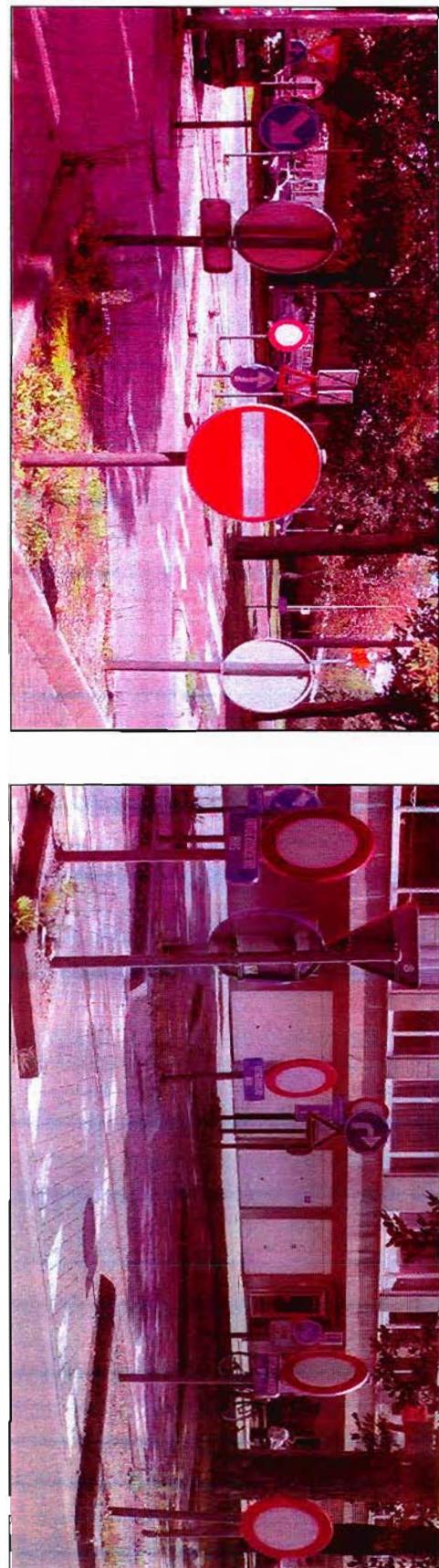
SUPPORT amendments: 50, 51, 52, 150, 299, 305, 308 and AGRI amendment 79

and **REJECT** amendments:

262, 263, 298, 300, 301/302, 303, 304, 306, 307, 309, 310, 311, 312, 313, 479, 486, 487, 489 & 490 and AGRI amendments 12, 18, 19, 32

Annex: 1

More information on food labels ?



- Information overload yielding uncertainty
- Best strategy for decision-making?
 - Ignore information
 - Systematic information processing
 - Use heuristics (easy decision rules; e.g. brand)
 - Avoid / Seek alternative

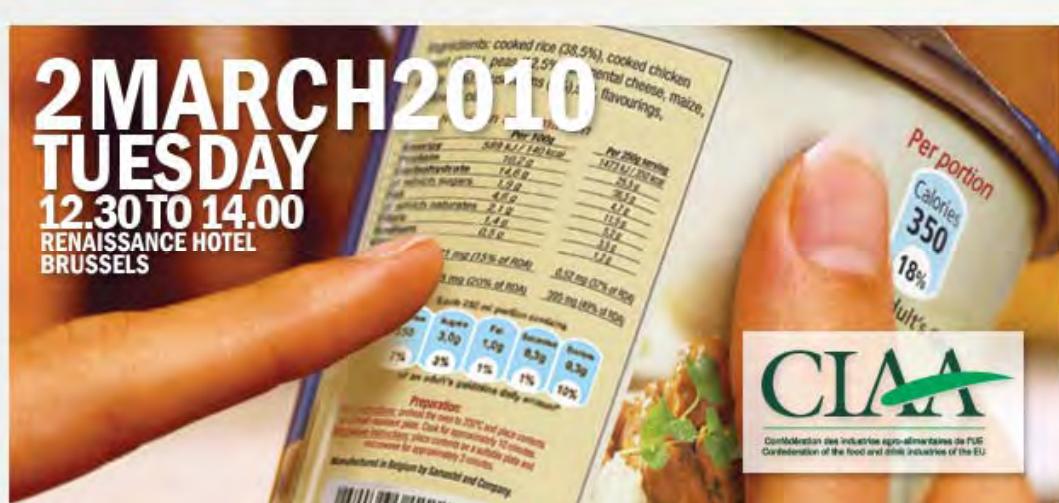
Sujet: Invitation for MEPs, advisors and assistants : Food information to consumers | Bite size

Lunch Debate | Brussels, 2 March 2010

Expéditeur: "Brussels Events" <brussels-event@fleishmaneurope.com>

Date: Wed, 24 Feb 2010 xxxxxxxxx

To view this email as a webpage, [go here](#)



A BITE SIZE LUNCH DEBATE: FOOD INFORMATION TO CONSUMERS PER PORTION

ON BEHALF OF THE CIAA, WE CORDIALLY INVITE YOU TO A PANEL DISCUSSION ON PORTIONS AS PART OF THE FOOD INFORMATION TO CONSUMERS PROPOSAL. THIS DEBATE WILL SEEK TO CLARIFY THE ROLE OF NUTRITION INFORMATION PER PORTION IN HELPING CONSUMERS TO MAKE INFORMED CHOICES ABOUT FOOD PRODUCTS.

MODERATOR:

CHRISTOPHE LECLERCQ, FOUNDER & PUBLISHER, EURACTIV

SPEAKERS:

- ROBERT MADELIN, DIRECTOR GENERAL, EUROPEAN COMMISSION, DG SANCO
- HOLGER KRAHMER MEP, EUROPEAN PARLIAMENT
- OLIVIER ANDRAULT, SCIENTIFIC DIRECTOR, UFC-QUE CHOISIR
- PROFESSOR BARBARA LIVINGSTONE, PROFESSOR IN NUTRITION, UNIVERSITY OF ULSTER
- GEOFF THOMPSON, FOOD & CONSUMER POLICY COMMITTEE CHAIR, CIAA AND VICE-PRESIDENT REGULATORY & EU PUBLIC AFFAIRS, DANONE

VENUE:

RENAISSANCE HOTEL
RUE DU PARNAFFE 19
1050 BRUSSELS

RSVP:

TO ATTEND, PLEASE EMAIL BRUSSELS-EVENT@FLEISHMAN.COM BY THE 26 FEBRUARY.

Sujet :

CIAA voting recommendation on food information to consumers

De :

<K.Carson@ciaa.eu>

Date :

Mon, 1 Mar 2010 xxxxxxxx

For the attention of Members of the Environment, Public Health and Food Safety Committee

Please find attached the CIAA - Confederation of food and drink industries of the EU - voting recommendation on the Sommer draft report on food information to consumers in view of the vote in ENVI on 16 March 2010.

Please do not hesitate to contact CIAA for further information.

Katie Carson - EP Manager

Confederation of the Food and Drink Industries of the EU

Email: K.Carson@ciaa.eu | <http://www.ciaa.eu>

Tel: +32 2 5495603 / Fax: +32 2 5112905 / Mobile +32 473 923 964

CIAA priorities for the Spanish Presidency of the EU

Brussels, 24 February 2010

CIAA voting recommendation on Sommer draft report on the proposal for a regulation on the provision of food information to consumers

Vote in the Environment, Public Health and Food Safety Committee on 16 March 2010

CIAA – the Confederation of food and drink industries of the EU – represents the food and drink manufacturing industry, the largest manufacturing sector, major employer and exporter in the EU. Our members are major food producers, federations and sector associations that represent small and medium sized businesses as well as large companies.

CIAA welcomes EU harmonisation in relation to food information and strongly believes that EU harmonisation is the only means to guarantee the single market and the free movement of goods, whilst protecting the legitimate interest of producers and enabling consumers to make informed choices.

In view of the vote in the ENVI Committee on 16 March 2010, CIAA would like to make the following comments on issues of key interest to the food and drink industry:

National Provisions

CIAA supports the deletion of national provisions (articles 37-43) which could impinge on the internal market, provided that article 39 on milk and milk products and article 41 on non-prepacked food are retained.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 152, 153, 154, 156, 157 & 159.

National Schemes

CIAA has major concerns about the proposed National Schemes in the proposal (articles 44-47) and believes that these provisions could create barriers to the single European market without bringing any additional value for the consumer. CIAA supports a Regulation that goes for harmonisation at the EU level whilst providing flexibility to operators particularly for the provision of additional voluntary information.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 160.

Nutrition Labelling

CIAA believes that Mandatory Nutrition Labelling¹ should comprise the following:

Front of Pack: GDA icon for Energy (i.e. values for energy are expressed in the absolute amount per portion and its percentage of the Guideline Daily Amounts).

Back of Pack: Big 8 nutrients (energy, protein, carbohydrates, sugars, fat, saturated fat, fibre and sodium) to be expressed per 100g/100ml; the format is to be labelled in accordance with the current labelling rules under Directive 1990/496/EC in a table and, where space does not allow, in a linear format.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 386 & 458.

Exemptions: flexibility in relation to the mandatory nutrition labelling should be given for small packs and certain types of foods.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 105, 181, 185, 186, 188, 354, 546, 547, 548 & 551.

¹ Some members disagree for different strategic reasons (LI), with specific aspects only (FIAB), or a combination of the two (EDA). The Brewers of Europe and CEPS call for provisions, which take into account the specific nature of their products.

Expression and Presentation: CIAA fully supports labelling the mandatory nutrition declaration per 100g/ml which allows complete comparability for consumers. CIAA would ask that, in addition, it be possible to express the amount of energy and nutrients per portion.

► CIAA would therefore ask members of the Committee to SUPPORT amendments 416 & 418.

However, the indication per portion alone should be possible when food is prepacked as an individual portion or is divided into separate individual portions all of the same size.

► CIAA would therefore ask members of the Committee to SUPPORT amendment 449 and REJECT amendments 137/443, 446 & 447.

In addition to the mandatory nutrition declaration CIAA would also request flexibility for other forms of expression that are based on conditions of use agreed at the European level.

► CIAA would therefore ask members of the Committee to SUPPORT amendment 451.

Voluntary nutrition declaration: in addition to the mandatory nutrition declaration it should be possible to list additional nutrients on a voluntary basis.

► CIAA would therefore ask members of the Committee to SUPPORT amendment 403 and also the addition of salt (part of amendment 407).

Guideline Daily Amounts (GDAs): CIAA is committed to a voluntary nutrition-labelling scheme based on GDAs which is rapidly being rolled-out in the EU by large and small companies alike. GDAs provide non-judgemental, factual information on the energy and nutrients present in a portion of the food and empower consumers to make informed dietary choices based on their own needs. CIAA supports the reference values for GDAs as set out in annex XIB. GDAs per 100g/ml would be confusing and potentially misleading for the consumer, particularly for foods consumed in amounts of less than 100g/ml. Consumers will always have complete comparability given that the mandatory nutrition declaration will provide the nutrition information per 100g/ml.

► CIAA would therefore ask members of the Committee to SUPPORT amendments 427 & 435 and REJECT amendments 428, 430, 432, 433, 434, 437 & 438.

Colour-coding: CIAA rejects the call for nutrition labelling using colour-coding. The traffic light system of labelling is a subjective assessment of the nutrient content of 100g of a food and does not provide consumers with the information needed to choose a balanced diet based on their individual needs. In addition, 'traffic lights' fail to take account of portion sizes, and don't put the food in the context of the daily diet.

► CIAA would therefore ask members of the Committee to REJECT amendments 431, 439, 470, 502, 507 & 575.

Clarity & Legibility of Labels

CIAA rejects any minimum font size. Legibility is dependent on a number of factors, such as layout, colour and contrast, type of font. The provisions on the presentation of the mandatory particulars as proposed under article 14 are impractical and a disproportionate burden for manufacturers. CIAA has already developed industry recommendations and best practice guidelines for labelling legibility as not only a more proportionate but also a more flexible tool.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 95, 324, 325, 96, 97 & 98/335.

Origin Labelling

CIAA supports maintaining the existing framework for origin labelling. Current EU law already requires labelling product origin when the absence of such information may mislead the consumer as to the true origin of the food. In addition, the provision of origin information is permitted on a voluntary basis. Any move to enforce mandatory origin provisions for foods in general would cause severe difficulties for manufacturers who buy ingredients from multiple sources according to factors such as availability and seasonal variations. It would not be feasible to change the label each time the origin of a single component of a product is sourced from a different country. In addition, most European countries are great processing countries,

rich in entrepreneurial and innovative abilities and sophisticated technology; however they are not self-sufficient. Any mandatory labelling of the origin of the raw material undermines the central role of the processing industry that carries out the production process. Mandatory provisions would add to the amount of information on the label and increase production costs for manufacturers, without providing a clear consumer benefit.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 50, 51, 52, 150, 299, 305, 308, and REJECT amendments 262, 263, 298, 300, 301/302, 303, 304, 306, 307, 309, 310, 311, 312, 313, 479, 486, 487, 489 & 490.

Other issues

Compliance of specific labelling requirements/uniform compliance dates: many sector specific directives/regulations contain labelling provisions. They should be listed in one place and consistency should be ensured with the general principles. In addition, a uniform compliance date for new provisions would facilitate label changes for manufacturers.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 37 & 265.

Date of manufacture: the minimum durability date and the use by date are sufficient to inform the consumer.

► CIAA would therefore ask Members of the Committee to REJECT amendments 56, 83, 119, 120 part C, 259, 294 & 376 part C.

Legal clarity: some of the provisions in the Annexes are fundamental elements of the legal provisions and not mere technicalities. In the interests of coherence and applicability of the text only real technicalities should remain in the annexes.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 120 parts A and B & 196.

Language labelling: CIAA does not support any changes to article 16 of Directive 2000/13/CE article 16. The wording of article 16 (similar to article 5 of Directive 200/13/CE) has been applied for years without controversy. Changes in the wording of such a sensitive issue could create barriers to the free movement of foods.

► CIAA would therefore ask Members of the Committee to REJECT amendments 101, 102, 103, 349 & 350.

Entry into force: for business continuity, foods placed on the market or labelled prior to the date of application of the regulation should continue to be able to be marketed until their expiry date.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 164, 527 & 528.

TFA: Considering the EFSA opinion of 2004 and taking into account the significant efforts made by industry in considerably reducing the amount of industrially produced TFAs in food products, CIAA believes that TFA intake is not a relevant public health issue anymore.

► CIAA would therefore ask MEPs to REJECT amendments 379, 381, 383, 384, 388, 400, 441/442 & 467.

Sugars: The current EU Nutrition Labelling Directive requires that total sugars be calculated for labelling purposes. The human body does not differentiate between sugars that are added or naturally present. In addition, for most foods, it is not possible to analytically differentiate between added and naturally occurring sugars.

► CIAA would therefore ask MEPs to REJECT amendment 390.

Labelling of GMOs: labelling requirements for GMOs are covered in specific legislation (Regulations 1829/2003/EC and 1830/2003/EC). In addition, labelling provisions on products derived from animals fed GM feed would be extremely difficult to implement and enforce, in particular for complex compound ingredients, and would place an unacceptable burden in terms of the additional traceability measures required on the EU industry.

► CIAA would therefore ask Members of the Committee to REJECT amendments 224 & 361.

Comitology: certain provisions, for example mandatory labelling requirements, are not 'non essential' elements of the regulation and should not be agreed through comitology, but co-decision.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 90, 117, 129 & 319.

Innovations: Isomaltulose and D-tagatose are approved novel foods falling within the definition of carbohydrates. They differ significantly from traditional 'sugars' and as such should not be covered by the category 'sugars'.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 168.

Status of ingredients: the substances listed in article 21 should not be regarded as ingredients of a food as they don't contribute to its characteristics or properties. A change of the ingredient definition would also have undesired effects on Community legislation, which makes reference to the ingredient definition. CIAA supports maintaining the existing provisions of Directive 2000/13/EC.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 113.

Double labelling of sweeteners: sweeteners must always be clearly labelled in the ingredients list and, as necessary, the presence of phenylalanine must be indicated. The double declaration is unnecessary and could create consumer confusion. CIAA therefore supports the simplification of these provisions.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 178.

Significant amount for RDA for vitamins and minerals: CIAA considers for liquids, which may be consumed in larger quantities than solid foods and for foods rich in water and/or low energy foods, that 15% of the RDA is too high a level to be considered a significant amount and that 7.5% per 100 ml or per portion (to apply to both single-serve packaging and to multi-portion packaging where the individual portion is clearly labelled) or 5% per 100kcal – along the lines as recommended by Codex Alimentarius - would be a more reasonable value.

► CIAA would therefore ask MEPs to SUPPORT amendment 569.

Labelling of ingredients and packaging from nanotechnology: the ingredient list provides details about ingredients used in a food or beverage. Food labels already deliver a lot of information to consumers. Nanoparticles can also occur naturally and indicating the production methods goes against the aim of simplification and would add an unnecessary burden on producers.

► CIAA would therefore ask Members of the Committee to REJECT amendments 110 & 536.

Simplified names for food enzymes: enzymes often have very technical names which take up considerable space on the label without providing additional information to the consumer. The optional use of more generic names should be permitted.

► CIAA would therefore ask Members of the Committee to SUPPORT amendment 563.

Indication of the net quantity: CIAA supports (1) maintaining the exemption from labelling the net quantity for products labelled by number and (2) the extension to certain other products in Annex VIII.

► CIAA would therefore ask Members of the Committee to SUPPORT amendments 194 & 567.

Unnecessary additional labelling requirements: a number of amendments would place significant additional labelling requirements on operators with no additional consumer benefit and as such go against the aim of simplification.

► CIAA would therefore ask Members of the Committee to REJECT amendments 68, 177, 293, 540, 541, 542 & 543.

Sujet :

EDA voting recommendations to Ms Sommer's draft report to the proposal for a regulation on the provision of food information to consumers

De :

Eugénie de NAUROIS <edenaugeois@euromilk.org>

Date :

Mon, 8 Mar 2010 xxxxxxxxx

Pour :

xxxxxxxxxx@europarl.europa.eu>

Copie à :

"Joop KLEIBEUKER" <JKLEIBEUKER@euromilk.org>, Hélène SIMONIN
<HSIMONIN@euromilk.org>

Sent on Behalf of Dr. Joop Kleibeuker, Secretary General

Dear xxxxxxxx,

I am pleased to forward to you herewith the voting recommendations of the European Dairy Association (EDA) on the draft report of Ms Sommer to the proposal for a regulation on the provision of food information to consumers.

Please also find herewith the EDA position on origin labelling.

With best regards,

Joop Kleibeuker

**Dr. Joop Kleibeuker,
Secretary General,
European Dairy Association,
Rue Montoyer 14,
1000 Brussels,
Belgium.
Tel: +32 (0)2 549 50 41,
Fax: +32 (0)2 549 50 49,
jkleibeuker@euromilk.org
www.euromilk.org**

POSITION PAPER

EDA POSITION ON COUNTRY OF ORIGIN LABELLING

05|03|2010

EDA supports maintaining the existing framework for origin labelling (Directive 2000/13/EC) and asks the members of the ENVI Committee to reject any mandatory origin labelling for the dairy sector.
à No broadening of Art 9.i and deletion of Art 35.

EDA's approach was supported by the ENVI committee itself in its opinion of 28 January 2010 on "Agricultural product quality policy: what strategy to follow?" where it is stated: "*9. Favours the voluntary indication of the origin of the raw materials which have gone into processed foods, while opposing the compulsory indication of the place of origin of agricultural products in processed and non-processed foods since this would saddle European industry with high costs which would be disproportionate to the potential value added generated by such a measure; is aware that European industry already has to meet strict labelling requirements in the interests of accurate consumer information; considers that the voluntary indication of the origin of the raw materials should not impede the internal market*".

EDA supports clarifying the two aspects of origin labelling:

- "**country of origin**" as the place of manufacture of the end product. This issue is currently covered by directive 2000/13/EC (now in the Food Information Proposal) where the origin may be labelled on a voluntary basis unless the consumer is misled. In that case the origin labelling becomes mandatory (see article 3 (1) n° 8 of the directive).^{i,ii}
- "**place of farming**" as the place of production of the raw materials used as ingredients. This issue is being discussed under the Commission's communication on Quality of Agricultural production of 28 May 2009 (see footnote 9 of the Communicationⁱⁱⁱ) and should therefore be left out of the scope of the Food Information Proposal.

In parallel the High Level Expert Group on Milk is also discussing the origin labelling provisions for the dairy sector.

Ü Mandatory labelling of raw materials for dairy products would cause severe difficulties for manufacturers

Manufacturers buy milk and dairy ingredients from multiple sources across the EU depending on availability and seasonal variations. The milk used for the production of a dairy product can come from different origins from one day to another. Such exchange of milk is encouraged for economic reasons. It would not be possible to change the label each time the origin of the milk - or any other ingredient of a composite product (e.g. strawberry yoghurt) - is sourced from a different country, region or individual producer. Also, milk is collected every one to three days, mixed in big bulk tanks and changes its labels daily due to short durability (some products may not be so restricted, e.g. olive oil has a single harvest per year and a single label for two years of durability).

Ü Mandatory labelling of "country of origin" or "place of farming" does not enhance product quality

Food safety issues are already governed by a very tight set of EU rules applying to both imported food products as well as food products with origin in the Community: traceability requirements, border controls and strict obligations on food business operators importing products of animal origin and on food business operators in third countries exporting products to the internal market. The EU quality standard for milk applies to the whole internal market and is sufficient to ensure the very high quality of European dairy products (Hygiene Regulations (EC) 852, 853 and 854/2004).

Ü Mandatory origin labelling for dairy products is a burden to consumers

The information on an origin label will be different dependent on the product and its sector: Olive oil, for instance, shows the importance to label the origin as it demonstrates the difference in taste and thus differentiates the product for the consumer. Where the consumer approves a differentiation in the market a voluntary scheme is already applied for several dairy products, e.g. PDOs and PGIs, certification schemes or trademarks. Consumer willingness to buy regional products vary widely inside the EU; a European study shows that altogether only a small percentage of consumers look for origin labelling when making purchase decisions (Eurobarometer^{iv}). The complex labels on processed products with varying raw material origins would confuse rather than help the consumer. A mandatory scheme will make the consumers bear the costs for it as it gives more administrative and labelling burdens for the producers as well as the retail sector.

Ü Mandatory origin labelling is contrary to the rules of the internal market and free trade considering that the exchange of milk is encouraged to provide certain non self-sufficient European countries with the necessary raw material. It would lead to a renationalisation of food production in the EU and be used as a protectionist measure^v.

ⁱ These rules are worldwide accepted and laid down in sections 3, 4.2, 4.5, 7.2 and 8 of the Codex General Standard for the Labelling of Pre-packaged Foods (GSLPF, Codex STAN 1-2008; see under http://www.codexalimentarius.net/web/more_info.jsp?id_sta=32).

The rules have been endorsed by the EU and the Member States and must be taken into account when laying down EU food legislation, according to article 5 (3) of Regulation (EC) 178/2002.

ⁱⁱ The country will always be an EU member state.

ⁱⁱⁱ See COM(2009) 234, page 8, footnote 9:

"Place of farming" in the context of marketing standards refers to the place of harvest of crop products, birth and raising of livestock, the place of milking for dairy cows, and so on. 'Origin' may refer, in the case of a processed product, to the place of last substantial transformation, and therefore not necessarily to the 'place of farming' of the agricultural product. The horizontal regulation of labelling of origin and of provenance covering all food products is included within the Commission Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers – COM(2008) 40. This proposal is under consideration in the European Parliament and the Council."

^{iv} According to Eurobarometer, only 6 % of consumers consider the origin as important levers when purchasing foods. See on page 4 of the "Impact assessment on communicating about products farmed in the EU" under http://ec.europa.eu/agriculture/quality/policy/com2009_234/ia_annex_a1_en.pdf

See also the FSA study which underlines that price and food safety information on labels were considered by consumers to be, on the whole, more important than country of origin labelling under <http://www.food.gov.uk/news/newsarchive/2010/jan/coolresearch>

^v See also Commissioner Fischler's reply in the Official Journal of the European Union (OJ C 91) of 20.3.1997

5 March 2010

Proposal for a regulation on the provision of food information to consumers

EDA Voting Recommendations on the draft report of the Committee on Environment, Public Health and Food Safety

Rapporteur: Renate Sommer

Ø EDA is pleased to see that all current labelling provisions will be consolidated into one regulation, which potentially minimises misinterpretation between Member States. EDA is in favour of simplification and harmonisation of EU labelling rules, including nutrition labelling, and regrets that the proposed regulation is not a simplification which is a missed opportunity.

Ø EDA considers that a healthy lifestyle is determined by many factors of which a balanced and healthy diet and sufficient physical activity are key points. Consumer information about the nutritional content of the food via food labels is an important element but the education about nutrition and balanced eating is the essential factor to enable consumers to adopt a balanced and healthy diet.

Ø In view of the vote in the ENVI Committee on 16 March 2010, EDA would like to make the following voting recommendations on issues of key interest to the dairy sector in the Sommer draft report:

Nutrition Labelling

Ø EDA supports the Commission's general statements on nutrition labelling, i.e. the need for clear, consistent, relevant and evidence-based information as an established way for providing information to consumers to support health conscious food choices and enable consumers to choose a balanced diet.

Ø EDA supports that mandatory nutrition labelling highlights the importance of the overall nutritional composition and that the nutrition labelling is gathered in the same field of vision either back or side of pack.

Ø The mandatory nutrition declaration shall include the following :

- (a) energy value;
- (b) the amounts of: proteins, carbohydrates, sugars, fat, saturates and sodium.

Ø The information will be displayed in the order stated above, according to Council Directive 90/496/EEC of 24 September 1990

Ø The reference value for mandatory nutrition labelling shall be 100g/100 ml and in addition, on a voluntary basis, an expression per portion shall be possible.

Ø EDA rejects the focus on negatively perceived nutrients and mandatory front of pack labelling. Protein should be included in the mandatory nutrition labelling, while trans fatty acids should be excluded.

Ø GDAs shall remain voluntary.

Ø In line with CIAA, EDA rejects the call for nutrition labelling using colour-coding. The traffic light system of labelling is a subjective assessment of the nutrient content of 100g of a food and does not provide consumers with the information needed to choose a balanced diet based on their individual needs. In addition, 'traffic lights' don't put the food in the context of the daily diet.

Ø Packagings with a printable area < 100 cm² instead of 10 or 25 cm² must be exempted from the mandatory labelling

Issue	Article / Annex	Voting Recommendation
Mandatory nutrition labelling shall include protein and exclude TFA	Art. 29.1	STRONGLY SUPPORT: 124, 125, 385, 387 REJECT: 379, 381, 383, 384, 388, 389, 390
Against colour-coding	Recitals 37, 38, 39, 45	REJECT: 234, 235, 236, 431, 439, 470, 502, 507, 575
Article 41 on national measures for non-prepacked food to be added to Article 13.4 on non-prepacked food.	Art. 13.4	SUPPORT: 321, 322
Same Field of vision (back or side of pack)	Recitals 37, 38 (new), 39, 45 Art. 34.1	SUPPORT: 26, 28, 139, 459, 464, 468 REJECT: 140, 225, 233, 231, 232, 239, 456, 457, 458, 460, 462, 463, 465, 466, 467
Support of voluntary GDAs (no mandatory)	Art 31.3 Annex XI (part B) = neutral	SUPPORT: 430, 437, 198, 199 EDA is opposed to GDAs on a mandatory basis. REJECT: 428, 429, 431, 434, 436, 438, 439, 237, 427, 433, 435, 570
Other forms of representation: national provisions should be avoided	Art. 33	SUPPORT: 453 REJECT: 454, 574
List of voluntary nutrients should exclude fibre and protein if the latter are included in the mandatory list	Art. 29.2, 29.3 Move under mandatory list	SUPPORT: 409, 410, 411 REJECT: 402, 403, 404, 405, 406, 407 EDA rejects the deletion of fibre & protein only if they are not included in the list of mandatory nutrients.
Voluntary nutrition labelling per portion in addition to 100g or 100ml	Art. 31.2 Art. 32	SUPPORT: , 416, 418, (in addition voluntary per portion), 443 REJECT: 133, 415, 417, 419, 420, 421, 422, 423, 424, 425, 426 445, 446, 447, 448

Against the labelling of naturally occurring Trans Fatty Acids (TFA)

- Ø EDA believes that the labelling of naturally occurring TFA is not relevant. There is scientific evidence that ruminant TFA consumed in normal amounts does not pose a public health risk.
- Ø Moreover, dairy TFA have a low habitual intake in the average European diet and make a minimal contribution to energy intake. If TFA are to be labelled, a differentiation should be made between industrially produced TFA and naturally occurring TFA found in meat and dairy. EDA strongly requests that naturally occurring, ruminant TFA are exempted.
- Ø Therefore, naturally occurring TFA needs to be excluded from the TFA definition.

Article / Annex	Voting Recommendation
Recital 38 a (new) Art. 29 Annex VI, part B Annex I.4 point 4	REJECT: 238, 400 (but should TFAs be labelled, EDA would support these two amendments as they differentiate between natural and industrial TFAs) REJECT: 218, 219, 220, 221, 222, 379, 381, 383, 384, 388, 441, 442, 467, 532 SUPPORT: 167

A Protein Conversion Factor for milk of 6.38

- Ø EDA opposes the use of one single conversion factor for proteins with different quality and from different sources.
 - Ø The scientifically agreed factor of 6.38 for milk protein should be applied for milk protein to correctly represent the source and quality of milk protein.
- In fact, the general conversion factor of 6.25 mentioned in Annex I, 10 of the proposal that should be used to calculate the protein content of a food does not correspond to the international "Codex Standard 1-1985 for the Labelling of Prepackaged Foods". This Codex Standard expresses clearly in a footnote on page 4 that the following formula should be used for the calculation of milk protein content: Kjeldahl nitrogen x 6.38.
- Ø 6.38 for milk protein is based on science and accepted on Codex level. As shown above, it is clear that for milk protein the conversion factor of 6.38 should be used.

Article / Annex	Voting Recommendation
Annex I.10	SUPPORT: 169 (on point 10)

Maintain existing framework for origin labelling

- Ø In line with the CIAA, EDA supports maintaining the existing framework for origin labelling (Directive 2000/13/EC). Current EU law already requires labelling product origin when the absence of such information may mislead the consumer as to the true origin of the food. In addition, the provision of origin information is permitted on a voluntary basis. Any move to enforce mandatory origin provisions for foods in general would cause severe difficulties for manufacturers who buy ingredients from multiple sources according to factors such as availability and seasonal variations. The milk used for the production of a specific type of dairy product can be from different origins from one day to another. Furthermore, the dairy products can be produced by a mixture of milk from different origins. It would not be feasible to change the label each time the origin of a single component of a composite product is sourced from a different country, region or individual producer. In addition, most European countries are great processing countries, rich in entrepreneurial and innovative abilities and sophisticated technology; however they are not self-sufficient. Any mandatory labelling of the origin of the raw material undermines the central role of the processing industry that carries out the production process.
- Ø EDA strongly opposes the place-of-farming requirement. Especially for processed dairy foods where the trade exchanges and variability of raw material origin are high, this principle is not applicable.
- Ø EDA believes that current origin labelling rules are sufficient, i.e. no broadening of Art 9.i and deletion of Art 35.

Article / Annex	Voting Recommendation
Art 9.1, i Chapter V Art 35 Art. 7. 1 a	STRONGLY SUPPORT: 50, 51, 52, 66, 150, 299, 305, 308 REJECT: 262, 298, 300, 301, 302, 303, 304, 306, 307, 309, 310, 313, 314, 479, 487, 489, 490

Against National Provisions

- Ø In line with CIAA, EDA supports the deletion of national provisions (articles 37-43) which could impinge on the internal market, provided that article 39 on milk and milk products and article 41 on non-prepacked food are retained. Existing national provisions on the use of milk glass bottles and non-prepacked foods should be maintained because those rules present the best solutions for these food products which are usually not traded across borders, hence do not create problems for the internal market.
- Ø EDA therefore supports the retention of Art. 41 on National measures for non-prepacked foods as well as of Art. 39 on Milk and milk products.

Article / Annex	Voting Recommendation
Art 37, 38, 39, 41 Chapter VI	SUPPORT: 152, 153, 156, 157, 159 REJECT: 351, 511

Against National Schemes

- Ø In line with CIAA, EDA has major concerns about the proposed National Schemes in the proposal (articles 44-47) and believes that these provisions could create barriers to the single European market without bringing any additional value for the consumer.
- Ø EDA supports a Regulation that goes for harmonisation at the EU level whilst providing flexibility to operators particularly for the provision of additional voluntary information.

Article / Annex	Voting Recommendation
Recitals 42, 44, 45, 46, Chap. VII	SUPPORT: 160

Significant amount in line with Codex labelling provisions

- Ø In line with CIAA, EDA supports to align the definition of significant amount with Codex labelling provisions for the claim "source of vitamins and minerals".
- Ø This implies: 15% of RDA per 100g for solids or per package if the package contains only a single portion, or 7.5% of RDA per 100ml for liquids, or 5% of RDA per 100kcal (12% of RDA 1 MJ).

Article / Annex	Voting Recommendation
Annex XI.A, 2	STRONGLY SUPPORT: 569

Net Quantity at the moment of packing

EDA supports labelling of the net quantity at the moment of packing.

- Ø The net weight of the food can change from the moment of the production until the selling and the consumption (examples: products presented in a liquid medium, cheese which is subject to dehydration). The food producer can, however, only influence the production and packing process and is hence only able to give the correct net weight at the moment of packing.
- Ø Therefore, EDA proposes to clarify the rule. The food producer is responsible for giving the correct indications about the net weight. The net weight has to be given at the moment of packing the food (in the liquid medium). After packing and selling of the food, the food producer is no longer able to guarantee the correct net weight due to possible changes outside his scope of responsibility.

Article / Annex	Voting Recommendation
Art 24, Art. 9.1 Annex VIII	STRONGLY SUPPORT: 195, 292

Legibility: against minimum font size

Ø In line with CIAA, EDA rejects any minimum font size. Current rules on legibility and visibility should be maintained and no additional, specific rules should be issued. Legibility is dependent on a number of factors, such as layout, colour and contrast, type of font. The provisions on the presentation of the mandatory particulars as proposed under article 14 are impractical and a disproportionate burden for manufacturers. EDA supports the industry recommendations and best practice guidelines that CIAA has developed for labelling legibility, as not only a more proportionate but also a more flexible tool.

Article / Annex	Voting Recommendation
Recital 25 Art 14	SUPPORT: 95 (except 2° par.), 96, 97, 98, 207, 324, 325, 331, 341, 335 REJECT: 323, 326, 329, 330

Against extra legislation on Designation of Foods and Fair information practices

Ø The current provisions in place for the ingredients list and denominations (Directive 2000/13/EC), and the provisions for designation of milk and milk products (Annex XII of Regulation (EC) 1234/2007), are sufficient considering that all ingredients of a product must be mentioned in the ingredients list and that every product must bear a proper denomination to ensure that consumers know what type of product is involved.
 We follow the principle of the European Court of Justice that we have a responsible and interested consumer who can handle this information.
 Ø The current debate is therefore a matter of enforcement in the Member States of the current rules, so as to avoid misleading of the consumer.

Article / Annex	Voting Recommendation
Art 7.1, a a (new), ab Annex V Part Ca	REJECT: 67, 68, 261, 269, 270, 271, 75, 557

Transition period: until stocks are exhausted

Ø EDA requests a sell-out period in addition to the transition period for foods AND packaging material that have been introduced in the EU market before the date of application so that they can be sold until stocks have been exhausted.
 Ø The suggested transition period is 3 years. Considering that all the labels of all products have to be changed, and that some products may have long shelf lives, 3 years is rather short.

Article / Annex	Voting Recommendation
Art 3.3, 53	SUPPORT: 164, 266, 527, 528, 265 REJECT: 529, 530

Simplified names for food enzymes

- Ø Enzymes often have very technical names which take up considerable space on the label without providing additional information to the consumer.
- Ø The optional use of more generic names should be permitted.

Article / Annex	Voting Recommendation
Annex VI, part C, row 9 a (new)	SUPPORT: 563

Against mandatory date of manufacture

In line with CIAA, EDA believes the minimum durability date and the use by date are sufficient to inform the consumer, and that it is not necessary to mention the date of manufacture mandatorily.

Article / Annex	Voting Recommendation
Art 2, 9.1, 25	REJECT: 56, 83, 119, 120 part A,d and C, 259, 294 and 376 part C A.d: the indication of the date on each single portion is not feasible

Exemption from mandatory particulars for small packs

Article / Annex	Voting Recommendation
Art 17.2	STRONGLY SUPPORT: 354 (EDA is in favour of exemption of 100 cm ²), 352 (if amendment 354 is rejected, 80 cm ² is closer to 100 cm ²) REJECT: 353, 355, 357

Against additional legislation on instructions for use and storage and minimum durability date

Article / Annex	Voting Recommendation
Art 26.1, Art. 2.2 s.a, Art. 4.1.b, Atr. 9, 1 g, j, Art.25.2	REJECT: 121, 258, 267, 293, 315, 377

Additional labels and information

Article / Annex	Voting Recommendation
Art 35	SUPPORT: 268

No differentiation of sugars

- Ø The current EU Nutrition Labelling Directive requires that total sugars be calculated for labelling purposes. The human body does not differentiate between sugars that are added or naturally present.
- Ø In addition, for most foods, it is not possible to analytically differentiate between added and naturally occurring sugars.

Article / Annex	Voting Recommendation
Art. 29 1 b	REJECT: 390

Against the labelling of GMOs

- Ø Labelling requirements for GMOs are adequately covered in specific legislation (Regulations 1829/2003/EC and 1830/2003/EC).
- Ø In addition, labelling provisions on products derived from animals fed GM feed would be extremely difficult to implement and enforce, in particular for complex compound ingredients, and would place an unacceptable burden in terms of the additional traceability measures required on the EU industry.

Article / Annex	Voting Recommendation
Art. 19.1 bis	REJECT: 361

Sujet :

Vote on Sommer draft report and "Non-prepacked food"- Proposal for a Regulation on the provision of food information to consumers (COM(2008) 40 final)

De :

"Elena Bek" <elena.bek@hotrec.org>

Date :

Tue, 9 Mar 2010 xxxxxxxxx

Pour :

xxxxxxxxxxxxxx

Dear xxxxxxxxx,

Please see attached a letter on behalf of Ms. Marguerite Sequaris, CEO of HOTREC, in relation to the vote on Sommer draft report and “*Non-prepacked food*”- Proposal for a Regulation on the provision of food information to consumers (COM(2008) 40 final).

Thank you in advance for your kind attention and collaboration.

Yours sincerely,

Marguerite Sequaris

CEO of HOTREC

Hotels, Restaurants and Cafés in Europe

111 boulevard Anspach, box 4

1000 Brussels

Tel: 00 32 25136323

Fax : 00 32 25024173

main@hotrec.org

www.hotrec.eu

xxxxxxxx

By e-mail and courier

XXXXXXX

Committee on the Environment, Public Health and Food Safety

Member of the European Parliament

European Parliament

60 Rue Wiertz

1047 Brussels

Brussels, 1 March 2010

Dear XXXXX,

RE: Vote on Sommer draft report and “Non-prepacked food”- Proposal for a Regulation on the provision of food information to consumers (COM(2008) 40 final)

As a member of the ENVI Committee, you will soon be asked to vote on the Sommer draft report on food information to consumers.

HOTREC* welcomed the Sommer draft report as a positive step in the right direction, since it largely excludes from the scope of the regulation “non-prepacked food”, which in the EU jargon includes also meals prepared by catering services, restaurants, cafés, etc.

This is essential, because, if adopted as it stands, the Commission proposal would require all establishments serving “non-prepacked food” to provide for each item on their menus the information which has to be displayed on the labels of prepacked foods (Article 9 and Article 10).

This would simply be unworkable for traditional restaurants / pubs / cafés / pizzerias, the vast majority of which employs less than 10 persons. Staying in business will only be possible by cutting on the variety of dishes; using ready-made / pre-labelled food instead of fresh products and “standardising” menus and dishes. Traditional restaurants should not be subject to the same regulatory requirements as major food processing companies. Meals served by restaurants are not standardised products. A one-size-fits-all solution at EU level is certainly not appropriate.

For these reasons, HOTREC fully supports the below amendments suggested by the Rapporteur as they take into account the specificities of catering businesses:

* HOTREC represents the hotel, restaurant and café industry at European level. It counts 1.6 million businesses, with 92% of them being micro enterprises employing less than 10 people. The micro and small enterprises (having less than 50 employees) in the hospitality industry representing 99% of businesses make up some 62% of value added. The industry provides some 9 million jobs in the EU alone. HOTREC brings together 39 National Associations representing the interest of the industry in 24 different European countries.

Amendment 6 / 36 / 41 /108 / 187 by MEP Sommer

However, as regards the sensitive issue of allergens information and non-prepacked food, contrary to the Rapporteur, HOTREC is of the opinion that the matter should not be regulated at EU level.

Even the solution of limiting mandatory information to allergens, as suggested in the draft report, would be *de facto* unworkable. The list of allergens (Annex II) is very long, includes some very complex denominations, which make them difficult to identify, as well as ingredients that are used in most recipes. Therefore, the risk of cross-contamination (i.e. the risk that a dish may accidentally contain traces of allergenic ingredients used for the preparation of other dishes) is unfortunately unavoidable in restaurants, where chefs have to simultaneously prepare various dishes containing several allergens commonly used (eggs, fish, milk, nuts, etc.).

As a result, contrary to its objective, this Regulation could lead to give consumers the false impression that they can be fully protected from allergens. For this reason, we consider that an EU regulation will not provide the consumers suffering from severe allergies with the appropriate protection. Other solutions have to be sought, for example in "Guidelines" developed at national/regional level with the collaboration of the catering industry.

Furthermore, the text does not address the extent and conditions of the potential liability of operators serving meals. National legislation will continue to apply.

For all these reasons, HOTREC believes that the decision whether and how to adopt rules concerning allergens in case of non-prepacked food should be left to Member States, in accordance with the principle of subsidiarity, and not dealt with in a EU regulation. Member States are better placed than the EU Institutions to address the issue of non-prepacked food, as culinary traditions and diets vary greatly from country to country.

In light of the above mentioned considerations, we invite you to support the following amendments to the Sommer draft report:

- **Amendment 240 and 512 by MEPs Estrela & Fernandes**
- **Amendment 252 by MEP Ries**
- **Amendment 372 by MEP Gerbrandy**

We thank you for taking our position into consideration and we hope to count on your crucial support on the occasion of the vote in the ENVI Committee on 16 March 2010.

Yours sincerely,



Marguerite Sequaris
CEO of HOTREC

ANNEX: Amendments supported by HOTREC

Amendments supported by HOTREC

(In the order of recitals and articles)

Recital 15

- **Amendment 6** – Revised recital 15 explains that non-prepacked food should be exempted from the mandatory labelling requirements:

Amendment 6

Renate Sommer

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Community rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional **handling**, serving and selling of food by private persons **at events such as charities**, or local community fairs and meetings are not covered by the scope of this regulation.

Amendment

(15) Community rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional **delivery of food to third parties**, serving and selling of food by private persons, **for example at charity events** or local community fairs and meetings, **and the sale of food in the various forms of direct marketing by farmers**, are not covered by the scope of this regulation. **In order to avoid overstretching, in particular, small and medium-sized enterprises in the traditional food production sector and the food retail trade, which also include providers of mass catering services, products which are not prepackaged should be excluded from the labelling requirements.**

Or. de

Justification

What is important here is not the handling of food but its delivery to third parties; duplication should be avoided. Farmers whose businesses are involved in direct marketing (sale from the farm, at markets, on the street or house-to-house) would be over-stretched if they were required to comply with the requirements of this Regulation. Is this is a vital income niche for farmers, direct marketing of food by farmers should as a general principle be excluded from the scope of this Regulation. Enterprises in the food retail trade and the traditional food production sector, which also include providers of mass catering services, produce products which are not prepackaged for direct delivery to the consumer. There are no standardised procedures: ingredients change on a daily basis. It should also be borne in mind that the traditional food production sector is particularly responsible for preserving regional

specialities, for creativity and for innovation and thus ensures the diversity of the products available. It is therefore important to exclude these producers from the compulsory nutrition declaration requirement.

Recital 41

- **Amendment 240** – Revised recital 41 explains that it should be left to the Member States to decide when and how to require allergens information in relation to non-prepacked food:

Amendment 240

Edite Estrela, José Manuel Fernandes

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Member States should retain the right, depending on local practical conditions and circumstances, to lay down rules in respect of the provision of information concerning non-prepacked foods. *Although in such cases the consumer demand for other information is limited, information on potential allergens is considered very important. Evidence suggests that most food allergy incidents can be traced back to nonprepacked food. Therefore such information should always be provided to the consumer.*

Amendment

(41) Member States should retain the right, depending on local practical conditions and circumstances, ***to decide when and how*** to lay down rules in respect of the provision of information concerning *allergens in the case of* non-prepacked foods.

Or. en

Justification

Member States are better placed than the EU Institutions to address the issue of non-prepacked food, by national legislation.

Article 1

Subject matter and scope

- **Amendment 36:** Revised Art. 1 paragraph 3 limits the scope of the proposal:

Amendment 36

Renate Sommer

Proposal for a regulation

Article 1 – Paragraph 3

Text proposed by the Commission

3. This Regulation applies to all stages of the food chain, where ***the activities of food businesses concern*** the provision of food information to ***consumers***.

It shall apply to all foods intended for the final consumer, ***including foods delivered by mass caterers*** and foods intended for supply to mass caterers.

Amendment

3. This Regulation applies to all stages of the food chain, where the provision of food information to ***the final consumer is concerned***.

It shall apply to all ***prepacked*** foods intended for ***delivery to*** the final consumer and foods intended for supply to mass caterers.

It shall not apply to foods which are packaged directly at the place of sale before delivery to the final consumer.
Catering services provided by transport undertakings shall fall under this Regulation only if they are provided on routes between two points within Community territory.

Or. de

Justification

Tightening up and linguistic improvement of the text. It is particularly common in the food trade for products to be packaged directly at the place of sale before delivery. Thus products are divided into portions in advance (sandwich spreads) or packed in foil (sandwiches) for the benefit of consumers (to enable them to make their purchase more quickly, and for ease of handling). Such products, which are packaged shortly before sale, should as a matter of principle be excluded from the scope of the Regulation, as there is no way in which they can be equated with industrially prepackaged products. On routes beginning or ending in a country outside the EU, transport undertakings may not find any suppliers who satisfy the information requirements. If undertakings which serve such routes were to fall under the Regulation, this could place undertakings established in the EU at a competitive disadvantage, as only they would be compelled to comply with the Regulation.

Article 2 – paragraph 2 – point d

Definitions

- **Amendment 41:** Revised Art. 2 paragraph 2 point d) widen the definition of “mass caterers”:

Amendment 41 Renate Sommer

Proposal for a regulation **Article 2 – paragraph 2 – point d**

Text proposed by the Commission

d) ‘mass caterers’ means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools **and** hospitals, where, in the course of a business, food is prepared **for delivery to the final consumer and is ready for consumption without further preparation;**

Amendment

d) ‘mass caterers’ means any establishment (including **vending machines**, a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals **and catering enterprises, in which,** in the course of a business, food is prepared **which is intended for immediate consumption by the final consumer;**

Or. de

Justification

Clarification and necessary amplification: catering enterprises are also mass caterers.

- **Amendment 252:** It introduces the definition of “non-prepacked food”:

Amendment 252 Frédérique Ries

Proposal for a regulation **Article 2 – paragraph 2 – point e a (new)**

Text proposed by the Commission

Amendment

(ea) 'non prepacked food' means any food which is offered to the final consumer without prepackaging, or is packed on the sales premises at the consumer's request or prepacked for direct sale;

Or. en

Article 17 paragraph 3 – subparagraph 1 a (new)
Omission of certain mandatory particulars

- **Amendment 108:** Art. 17 paragraph 3 – subparagraph 1 a (new) states that the indication of the items listed in Article 9 (list of ingredients, net quantity, allergens, nutrition declaration, etc.) shall not be mandatory for non-prepacked food:

Amendment 108

Renate Sommer

Proposal for a regulation

Article 17 - paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The particulars listed in Articles 9 and 29 shall not be mandatory for nonprepacked goods, including those provided by mass caterers within the meaning of Article 2(2)(d).

Or. de

Justification

Enterprises in the food retail trade and the traditional food production sector, which also include providers of mass catering services, as well as farmers engaged in direct marketing, likewise produce products for direct delivery to the consumer. There are no standardised procedures: ingredients change on a daily basis. It should also be borne in mind that the traditional food production sector is particularly responsible for preserving regional specialities, for creativity and for innovation and thus ensures the diversity of the products available. It is therefore important to exclude these producers from the nutrition declaration requirement.

Article 22 paragraph 1 – point b a (new)
Labelling of certain substances causing allergies or intolerances

- **Amendment 372:** It exempts non-prepacked food from mandatory allergens labelling. Member States may decide whether and how to require the provision of allergens information in the case of non-prepacked food:

Amendment 372
Geren-Jan Gerbrandy

Proposal for a regulation
Article 22 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) the food is not prepacked. In this case Member States may decide that the particulars listed in Article 9(1)(c) shall be provided upon request. Member States may adopt rules concerning the manner in which those particulars are to be made available.

Or. en

Justification

In the case of non-prepacked foods, it is de facto impossible to provide far-reaching and reliable allergy labelling for all products. Allergens labelling could be misleading for consumers because the possibility of allergens cross-contamination cannot be excluded in premises where the area available for processing is limited. The requirements would particularly place small and medium-sized undertakings at a considerable competitive disadvantage and increase their costs. In addition, the extent and conditions of the liability of operators serving meals will continue to be addressed by national legislation. From a subsidiarity perspective, Member States are better placed than the EU Institutions to address the issue of non-prepacked food.

Article 41
National measures for non-prepacked food

- **Amendment 512:** It leaves it to the Member States whether and how to adopt rules requiring the provision of allergens information in the case of non-prepacked food:

Amendment 512
Edite Estrela, José Manuel Fernandes

Proposal for a regulation
Article 41

Text proposed by the Commission

Amendment

1. Where foods are offered for sale to the final consumer or to mass caterers without prepackaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the Member States may adopt detailed rules concerning the manner in which the particulars specified in *Articles 9 and 10*

1. Where foods are offered for sale to the final consumer or to mass caterers without prepackaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the Member States may adopt detailed rules concerning the manner in which the particulars specified in *Article 9(1)(c), the*

are to be shown.

2. Member States may decide not to require the provision of some of the particulars referred to in paragraph 1, other than those referred to in Article 9(1) (c), provided that the consumer or mass caterer still receives sufficient information.

3. Member States shall communicate to the Commission the text of the measures referred to in paragraphs 1 **and 2** without delay.

provision of which they may require, are to be shown.

3. Member States shall communicate to the Commission the text of the measures referred to **in paragraph 1** without delay.

Or. en

Justification

Member States are better placed than the EU Institutions to address the issue of non-prepacked food, by national legislation.

Annex IV
Foods which are exempted from the requirement for the
Mandatory nutrition declaration

- **Amendment 187:** New Annex IV - indent 17 a (new) adds non-prepacked food to the list of food for which the nutrition labelling is not mandatory:

Amendment 187
Renate Sommer

Proposal for a regulation
Annex IV - indent 17 a (new)

Text proposed by the Commission

Amendment

- non-prepacked food, including mass catering products, intended for immediate consumption.

Or. de

Justification

Cf. Article 17, paragraph 3 a (new) and Article 22, paragraph 1(b) a (new).

From: matilde.sobral[SMTP:MATILDE.SOBRAL@EUROPEANSPIRITS.ORG]
Sent: Thursday, March 11, 2010 xxxxxxxx PM
To:xxxxxxxxxxxxxx
Subject: Food information to consumer - Alcoholic beverages - Vote of Sommer report on 16 March / The European Spirits Organisation - CEPS' suggestions
Auto forwarded by a Rule

Dear x

You will find attached the European Spirits Organisation – CEPS voting suggestions ahead of the vote of the Sommer report at the ENVI committee on 16 March, namely regarding the specific questions related to alcoholic beverages.

We hope that you can consider those and thank you in advance.

Yours sincerely,

Matilde Sobral Viqueira
Director
Internal Market and Taxation
<mailto:matilde.sobral@europeanspirits.org>

European Spirits Organisation - CEPS
Rue Belliard 12, Box 5, B-1040 Bruxelles
Tel: +32 2 779 24 23
Fax: +32 2 772 98 20

<http://www.europeanspirits.org>
<http://www.responsibledrinking.eu>
<http://www.drinksinitiatives.eu>

The European Spirits Organisation - CEPS is the representative body for the spirits industry at the European level. Its membership comprises 31 national associations representing the industry in 27 countries, as well as a group of leading spirits producing companies.

Email Disclaimer

This message is intended solely for the person or persons to whom it is addressed and is confidential. If you receive this message in error, please delete it and immediately notify the sender.



Ref: xxxxxxxx

xxxxxxxxxxxxxx
European Parliament
Bât. Altiero Spinelli xxxx
Rue Wiertz 60
1047 Bruxelles

11 March 2010

Dear xxxxxxxxxxxxxx,

Proposal for a regulation on the provision of food information to consumers 2008/0028 (COD) - CEPS recommendation for the vote of the Sommer report at the ENVI committee on 16 March

I am writing to you in my capacity as Director General of the European Spirits Organisation – CEPS, which is the representative body for the spirits industry at the European level. Its membership comprises 31 national associations representing the industry in 27 countries, as well as a group of leading spirits producing companies.

CEPS has consistently communicated the willingness of its members to provide relevant information to their consumers to enable them to make informed lifestyle choices. This type of information can be provided by means other than an indication on the label.

Our longstanding position on consumer information is guided by three principles:

1. Any information to be provided should be relevant and understandable to consumers.

However, the impact assessment informing the Commission proposal does not provide any data regarding consumer's needs in respect of ingredient listing or nutritional declarations for alcoholic beverages. Consequently, CEPS supports the exemptions of alcoholic beverages from this proposal. The subsequent **5-year review** period in our sector creates an opportunity for the Commission and the industry to consider all these issues and to bring forward specific proposals. For this proposal to be adopted, it is essential that the committee on spirit drinks (regulatory committee with EP scrutiny), set up by our vertical Regulation 110/08, gets involved.

2. Any new requirements should cause minimum disruption to the EU internal market and cost to producers.

These specific proposals resulting from the research during the **5-year exemption period** should, on the one hand, ensure that consumers are properly informed and, on the other, ensure that any labelling requirements do not result in a fragmentation of the internal market.

3. Any new requirements should apply equally to all alcoholic beverages.

However, to exempt wine, beer and spirits but not other alcoholic beverages – for example, aromatised wine, cider and other fermented beverages, low strength spirits and mixed drinks – would not achieve consistency in this sector. It would favour certain defined products while discriminating against others for no good reason, thus distorting competition and imposing a burden only on some producers. Consumers would be misled on the relative composition of different products. We therefore believe that it is appropriate **to extend the exemptions** proposed by the Commission **to all alcoholic beverages**.

Therefore, CEPS supports amendments **18 (Sommer), 19 (Sommer), 112 (Sommer), 126 (Sommer), 214 (Sommer), 215 (Vergnaud), 364 (Stevenson), 366 (Ayuso and Herranz), 368 (Vergnaud), 395 (Krahmer), 396 (Schnellhardt), 397 (Vergnaud), 398 (Ayuso and Herranz) and 399 (Stevenson)**.

We would consistently ask you to consider **voting against amendments 212 (Roth-Berendt), 365 (Willmott and Childers), 367 (Liotard), 391 (Willmott and Childers), 392 (Westlund), 393 (Westlund) and 394 (Schlyter)**.

We would also like to offer you our views on the following amendments:

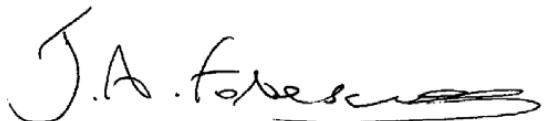
- The **date of manufacture** is irrelevant for spirits and should not be considered as mandatory information for our products. We suggest **rejecting amendments 259 and 294**.
- The additional requirement for voluntary **origin labelling** regarding the origin of primary ingredients (plus the place of the last substantial transformation) is unworkable for the spirits industry. The possibility for a “primary ingredient” to be a mixture of ingredients from different origins (e.g. ethyl alcohol) is not taken into account and would result in consumer confusion (e.g. a cream liqueur: cream from The Netherlands, sugar from Czech Republic, ethyl alcohol from Spain, Brazil and Pakistan, liqueur produced in France) and important disruption to the internal market. Therefore, the state of play (Directive 2000/13) should be maintained. In addition, any general origin rules shall apply without prejudice to the provisions for spirits holding geographical indications as laid down in Regulation 110/08. We **support amendments 20, 150, 308, 314 and 317¹**.

¹ There is only one limited situation in which an additional origin statement would be useful. Due to unfair competition and consumer's misleading labels (whiskies which, intentionally, do not declare their origin but are presented in a way which suggested they are from a traditional whisky producing country) we ask for a mandatory country of origin declaration on all whisky sold in the EU and **support amendments 493 and 494**.

- Finally, it is necessary to make the definitive exemptions from **allergens labelling** for cereals, whey and nuts used before distillation more explicit and bring them into line with the EFSA opinions so that consumers are not misled. We **support amendments 173, 174 and 175.**

We hope that you will be able to consider our voting recommendations. Naturally, we remain at your disposal for any question or query.

Yours sincerely,



Jamie Fortescue
Director General

From: Compte FFVA[SMTP:FFVA@FFVA.FR]
Sent: Thursday, March 11, 2010 xxxxxxxx
To: xxxxxxxxx
Subject: Projet de règlement sur l'information du consommateur
Auto forwarded by a Rule

Mxxxxxx xxxxxxxxxxx,

Le Conseil National des Vins Aromatisés regroupe les principales sociétés produisant en France des vins aromatisés et des boissons aromatisées à base de vin. Au total, la quinzaine de producteurs français élabore 22 millions de litres dont 3 millions sont exportés.

Je vous contacte au sujet du projet de Règlement sur l'information des consommateurs de produits alimentaires que vous examinez en ce moment en Commission Parlementaire.

Le texte qui vous est proposé prévoit d'exempter provisoirement certaines boissons alcoolisées de l'obligation d'indication des ingrédients (article 20) et des informations nutritionnelles (article 29). La motivation donnée pour cette exemption (exposée au considérant 28) est que les boissons alcoolisées sont une catégorie particulière de produits alimentaires régie par des réglementations spécifiques prévoyant des dispositions particulières d'étiquetage.

Dans le projet initial de la Commission en 2008, la plupart des boissons alcoolisées étaient citées, mais pas les produits aromatisés à base de vin qui sont pourtant des produits traditionnels encadrés de façon précise par le Règlement 1601/91, lequel prévoit d'ailleurs des dispositions d'étiquetage spécifiques. Il est vrai que les boissons à base de vin sont mal connues et souvent oubliées du législateur, même si tous les consommateurs en connaissent les principales marques (Martini, Byrrh, Noilly-Prat, Lillet...).

Nous estimons qu'il n'y a pas lieu de faire de distinction entre les différentes catégories de boissons alcoolisées, et que les produits aromatisés à base de vin couverts par le règlement 1601/91 et les produits similaires doivent bénéficier des mêmes dispositions que les autres boissons alcoolisées en matière d'étiquetage informatif.

Je vous joins un argumentaire détaillé pour votre information.

Je suis persuadé que vous partagerez notre point de vue, et j'apprécierais si vous pouviez orienter votre vote dans ce sens.

Je me tiens à votre disposition pour commenter cette proposition et vous expliquer plus en détail ce que sont nos produits.

Dans l'attente, je vous adresse, Mxxxxxx xxxxxx, mes salutations les meilleures.

Dominique SIMON

Conseil National des Vins Aromatisés

Fédération Française des Vins d'Apéritif
7 rue de Madrid
F - 75008 PARIS

Mail : ffva@ffva.fr

Tél. : +33 (0)153 043 033



Paris, le 11 mars 2010

ÉTIQUETAGE INFORMATION CONSOMMATEURS

Le cas des vins aromatisés et des boissons aromatisées à base de vin.

1) Etiquetage des ingrédients et des informations nutritionnelles

Aujourd'hui, la réglementation européenne n'exige pas l'étiquetage des ingrédients ni des informations nutritionnelles pour les boissons alcoolisées. Ceci est dû aux complexités et aux spécificités de nos produits, qui ont été soumis de longue date à une réglementation spécifique très stricte couvrant leur définition, et à leur présentation.

Dans sa proposition de règlement datant de janvier 2008 sur l'étiquetage d'informations nutritionnelles pour le consommateur, la Commission Européenne définissait des règles précises pour l'étiquetage des ingrédients et des informations nutritionnelles pour la plupart des denrées alimentaires. Etant donné leur spécificité, la bière, le vin et les spiritueux étaient exemptés de cet étiquetage obligatoire pour une période initiale d'au moins 5 ans. La Commission utilisera cette période de 5 ans pour procéder à une évaluation détaillée de la question, et décider si ces boissons doivent ou non indiquer leurs ingrédients et informations nutritionnelles et, le cas échéant, comment procéder pour ce faire.

Par omission, d'autres boissons alcoolisées traditionnelles fortement réglementées ont été oubliées dans le projet initial de la Commission, notamment les vins aromatisés et les vins de fruits.

Or, l'argumentation développée par la Commission tient compte de la spécificité de produits tels que les nôtres :

- dans le cas des produits soumis à une réglementation nationale et européenne particulièrement stricte définissant de façon limitative tous les ingrédients qui peuvent être utilisés pour leur fabrication, l'étiquetage des ingrédients ne fournit aucune information essentielle au consommateur, contrairement aux biscuits, par exemple, qui peuvent contenir toutes sortes d'ingrédients différents, selon la marque, ou même selon le marché.

- la définition de ce qu'est un ingrédient pour nos produits est une tâche techniquement assez difficile : pour les vins aromatisés ou les boissons aromatisées à base de vin, devrait-on mentionner les additifs qui ont été utilisés pendant la phase d'élaboration du vin, alors que nombre d'entre eux ne sont même plus présents dans le produit final ? De plus, les additifs utilisés pour les vins de base varient souvent en fonction du millésime ou de la marque, du profil organoleptique ou des "corrections" nécessaires liées aux conditions climatiques, etc.

.../...

- nous ne nous opposons pas au fait de fournir des informations, c'est la raison pour laquelle nous proposons différents outils ayant pour but d'éduquer et d'informer le consommateur sur nos procédés de production (sites internet, brochures, centres de visite sur la production de nos produits). Toutefois, nous pensons que l'étiquette du produit n'est pas l'endroit approprié pour ce faire, parce que cette information n'est pas essentielle pour nos produits. Les étiquettes devraient être réservées aux informations réellement importantes, comme le volume, le degré d'alcool, le nom du producteur ou distributeur, l'âge, les éventuels allergènes.

- les vins aromatisés traditionnels sont souvent liés à un unique lieu de production mais sont distribués avec la même étiquette dans de nombreux pays à travers l'Union européenne. Il est alors difficile de produire au plus près du consommateur ou d'utiliser une panoplie de marques différentes pour un même produit, comme le font d'autres grands producteurs de denrées alimentaires. Les complications linguistiques qu'entraîneraient des obligations nouvelles pourraient mener à la prolifération d'étiquettes différentes pour une même marque, ce qui rendrait sa commercialisation plus difficile et, par conséquent, pourrait remettre en question l'un des principes fondamentaux de l'UE qui est la libre circulation des marchandises.

- le Règlement (CE) N° 1924/2006 concernant les allégations nutritionnelles et de santé portant sur les denrées alimentaires, restreint fortement aux producteurs de boissons alcoolisées le droit de faire des allégations nutritionnelles et interdit notamment toute allégation de santé. En particulier, il nous est interdit de montrer que certains de nos produits traditionnels sont moins caloriques que d'autres boissons ou denrées alimentaires, même si cette information est fondée. Une obligation d'indiquer la teneur en calories de nos produits serait donc dans une certaine mesure contradictoire avec l'interdiction prévue dans cette autre réglementation communautaire.

- les conditions d'étiquetage proposées à l'ensemble de l'industrie alimentaire (information à fournir par portion de 100 ml / 100 g) sont totalement inappropriées aux boissons alcoolisées, tels que les vins aromatisés, car cela pourrait être perçu comme la quantité de consommation recommandée, ce qui serait parfaitement incompatible avec nos politiques de promotion d'une consommation responsable.

- enfin, nous considérons que l'information la plus importante pour le consommateur concernant ce type de produit n'est pas la liste (restreinte) d'ingrédients ou d'informations nutritionnelles, mais plutôt la teneur en alcool.

From: ICGA[SMTP:ICGA@KHLAW.BE]
Sent: Thursday, March 11, 2010 4:12:41 PM
To: ICGA
Cc: ICGA
Subject: ENVI vote on the Provision fo Food Information to Consumers (15 March): ICGA (chewing gum industry) views
Auto forwarded by a Rule

Ahead of the vote of the Committee on the Environment, Public Health and Food Safety (ENVI) on the European Commission proposal for an EU Regulation on the Provision of Food Information to Consumers to take place on 15 March 2010, please find enclosed the views of the International Chewing Gum Association (ICGA) on the Draft Report (1-201) of Mrs Renate Sommer MEP and amendments (202-575) tabled by MEP members of the Committee on the Environment, Public Health and Food Safety of the European Parliament.

The ICGA calls on your support on a selected number of amendments which take into account the specificities of chewing gum products, as outlined in the attached document. These include also references to identical amendments which have been already adopted by the IMCO Committee and the AGRI Committee in their respective Opinion on this proposal for an EU Regulation on the Provision of Food Information to Consumers.

For any further information, please do not hesitate to contact us.

Respectfully submitted,

International Chewing Gum Association

<http://www.gumassociation.org>

C/o Keller and Heckman LLP
523 Avenue Louise, B-1050 Brussels
Tel: +32 2 645 50 60
Fax: +32 2 645 50 50
Email: icga@gumassociation.org

PS: This message is being sent to all MEP members of the Committee on the Environment, Public Health and Food Safety of the European Parliament.



Please consider the environment before printing this email.

This message and any attachments may be confidential and/or subject to the attorney/client privilege or otherwise protected from disclosure.

If you are not a designated addressee (or an authorized agent), you have received this e-mail in error, and any further use by you, including review, dissemination, distribution, copying, or disclosure, is strictly prohibited. If you are not a designated addressee (or an authorized agent), we request that you immediately notify us of this error by reply e-mail and then delete it from your system.



INTERNATIONAL CHEWING GUM ASSOCIATION

C/O KELLER AND HECKMAN LLP • 523 AVENUE LOUISE • B-1050 BRUSSELS • TEL. 32/2/645 50 60 • FAX 32/2/645 50 50

ICGA position on the provision of food information to consumers – vote in the ENVI Committee

The International Chewing Gum Association (ICGA) generally welcomes the aim of the Commission's proposal to provide consumers with standardised, relevant and understandable information across the European Union. However, the ICGA is deeply concerned about the impact of the draft proposal on the chewing gum industry.

For the vote in the ENVI Committee on 15 March 2010, we therefore call on your support on the following issues:

Exemption for chewing gum products from mandatory nutrition declaration (Annex IV)

We call on you to support amendment 185 by Renate Sommer MEP
(= amendment 105 in AGRI Opinion = amendment 91 in IMCO Opinion)

- Contrary to conventional foods, chewing gum does not serve the same purpose in delivering nutrients to the diet.
- Chewing gum is traditionally consumed in small amounts and does not have a significant impact on the daily nutrient and calorie intakes of consumers. Based on the average daily consumption, chewing gums contribute less than 3.5% of the GDA's for salt, sugar and fat.
- Making nutrition declaration mandatory for chewing gum would overload consumers with irrelevant information, increasing the risk of confusion.
- The information requirements imposed by the Commission Proposal are not feasible for the small packaging currently used with chewing gums. A compliance with the proposal would result in an increase in packaging, creating a significant amount of extra waste – to the detriment of the environment.
- The “small pack exemption” in the EC proposal for packaging of less than 25 cm² is too small to be relevant for chewing gums.

Exemption from front-of-pack labelling for Annex IV products on which claims are made

We call on you to support amendments:

471 & 474 by Thomas Ulmer MEP & **472** by Holger Krahmer MEP
(= amendment 72 in AGRI Opinion)

- A full nutrition declaration on the front-of-pack would not be feasible on chewing gum which is traditionally sold in small packs.
- The provision of information on energy per 100g on the front of pack would not be relevant on chewing gum, which is traditionally consumed in very small quantities.

- According to article 50 of the Commission's proposal, products on which health/nutrition claims are made need to bear the mandatory nutrition declaration, even if they are listed as exempted products under Annex IV.
- Chewing gum, like all products listed in the Annex IV, should be exempted from the obligation of having to label nutrition information on the front-of-pack when they bear health/nutrition claims. This information could be displayed elsewhere on the packaging.

Allowing labelling on a per portion only basis

We call on you to <u>support</u> amendments:	And to <u>reject</u> amendments:
449 by Jorgo Chatzimarkakis MEP together with 418 by Karin Kadenbach MEP (=68 in AGRI Opinion) (=68 in IMCO Opinion)	415 by Dan Jorgensen/Christel Schaldemose MEPs 419 by Kartika Tamara Liotard MEP 420 George Lyon MEP 422 & 448 by Dagmar Roth-Behrendt MEP 423 by Carl Schlyter MEP 425 & 443 by Åsa Westlund MEP 446, 447 & 450 by Anna Rosbach MEP

- Consumers need concrete and easily understandable information relevant to the product in question.
- As chewing gum is traditionally consumed in very small quantities, labelling per 100g on chewing gum products does not provide useful information to the consumer (a typical daily consumption is 1g/day, 3g for heavy users). Labelling per 100g would therefore be misleading.
- Given the limited space available on chewing gum packs, allowing labelling per portion only in combination with labelling per 100g is not an acceptable solution. Chewing gum packs are too small to bear both pieces of information.

Deletion of the 3-mm font-size requirement

We call on you to <u>support</u> amendments:	And to <u>reject</u> amendments:
95 & 98 by Renate Sommer MEP 324 by Holger Krahmer MEP 325 by Jan Brezina and Miroslav Ouzky MEPs 327* & 335 by Gerben-Jan Gerbrandy and George Lyon MEPs 328* & 334 by Kartika Tamara Liotard MEP *replacing "binding rules"/"rules" by "guidelines"	323 by Bernadette Vergnaud MEP 326 by Jill Evans MEP 329 by Dagmar Roth-Behrendt MEP 330 by Glenis Willmott MEP

- Small packages (less than 60 cm²) should be exempted from minimum font-size requirements and be subject to adapted legibility requirements to avoid additional packaging waste.
- Font-size is not the only factor which contributes to legibility. For small packages, imposing a minimum font-size is not the most effective solution.

About The International Chewing Gum Association

The International Chewing Gum Association (ICGA) represents companies which manufacture and market gum base and chewing gum products. Members include Wrigley, GumiLink, Cadbury, Lotte, Perfetti van Melle and Leaf International among others.

From: =?iso-8859-1?Q?B=E9riot[SMTP:=?ISO-8859-1?Q?B=E9RIOT]
Sent: Thursday, March 11, 2010 xxxxxxxx
To: xxxxxxxxxxx
Subject: Règlement Information du Consommateur: Consignes de vote Commission ENVI 16/03/10
Auto forwarded by a Rule

A l'attention de xxxxxxxx

Mxxxxxx,

Le 16 mars prochain aura lieu, en commission ENVI, le vote du rapport de Madame Sommer relatif à l'examen du règlement concernant « l'information des consommateurs sur les denrées alimentaires ».

Dans cette perspective, Nestlé France souhaite vous faire part de ses recommandations quant aux amendements relatifs à ses priorités.

Vous trouverez donc en pièce jointe les consignes de vote proposées par Nestlé France.

Restant à votre entière disposition pour répondre à toutes vos questions d'ici le vote du rapport de Madame Sommer et vous renouvelant mes remerciements pour votre écoute et votre soutien, je vous prie de croire, XXXXXXXXXX, à l'expression de mes meilleures salutations.

Nathalie Beriot
Directeur des Affaires Scientifiques et Réglementaires
Nestlé France
Ligne directe: + 331 6053 2243
Mobile: + 336 8530 6720
nathalie.beriot@fr.nestle.com



Nestlé France

**RAPPORT SOMMER RELATIF AU REGLEMENT CONCERNANT
L'INFORMATION DU CONSOMMATEUR SUR LES DENREES ALIMENTAIRES**

ENVI

VOTE DU 16 MARS 2010

1. Origine des denrées alimentaires :

La position de Nestlé France est de **maintenir les dispositions existantes** (Article 2.1. (A) (i) de la directive CE/2000/13) énonçant qu'il convient d'indiquer le pays d'origine ou lieu de provenance d'une denrée alimentaire lorsque, en l'absence d'une telle information, le consommateur pourrait être induit en erreur quant au pays d'origine ou lieu de provenance réel du produit. Ainsi, l'indication du pays d'origine est laissée à l'initiative des opérateurs du secteur alimentaire étant entendu que cet étiquetage ne doit pas tromper le consommateur.

A ce stade, Nestlé France souhaite en effet rappeler que le **Règlement 178/2002 établissant les principes généraux de la législation alimentaire, définit d'ores et déjà les règles en matière de traçabilité.**

Rendre **obligatoire les informations quant à l'origine des produits** semble irréaliste compte tenu de la très grande variabilité des sources d'approvisionnement. Nestlé France, afin d'apporter aux consommateurs les meilleurs produits, travaille avec une grande variété de fournisseurs afin de garantir la qualité des produits qu'il propose selon la saisonnalité, la qualité des matières premières et le volume des récoltes.

Qui plus est, la **gestion de l'étiquetage des produits serait d'une complexité** telle qu'elle ne permettrait pas à Nestlé France d'appréhender en amont les contraintes liées à l'impression de ses emballages induisant un **surcoût considérable** et une **augmentation sensible des déchets**.

Nestlé France **invite donc les membres de la commission ENVI à SOUTENIR les amendements 50, 51, 52** (relatifs aux définitions de l'article 2) et **150** (relatif à l'article 35) du rapporteur, ainsi que les amendements **299, 305 et 308** (relatifs à l'article 9 paragraphe 1 point i)).

A contrario, Nestlé France **demande aux députés de REJETER les amendements AGRI 18, AGRI 19** (relatifs à l'article 2 § 2), **262, 263** (relatifs à l'article 2 § 3), **AGRI 31, IMCO 33, 298, 300 à 304, 306, 307, 309 à 313** (relatifs à l'article 9 paragraphe 1 point i) et **AGRI 78, 479, 486, 487, 489 et 490** (concernant l'article 35).

2. Lisibilité

Nestlé considère qu'**une taille de caractères de 3mm** pour les mentions d'étiquetage obligatoire, comme le propose la Commission, **est irréalisable**.

Nestlé France **invite ainsi les députés de la commission ENVI à voter EN FAVEUR des amendements qui n'imposent pas de taille minimale de caractères.**

Il s'agit des amendements **95, IMCO 39, AGRI 40, 97, AGRI 41, 324, 325** (relatifs à l'article 14).

Si une taille minimale de caractère est imposée, Nestlé France souhaite que les produits destinés à une alimentation particulière ainsi que les plus petits emballages soient exemptés de toute obligation de taille minimale de caractère et de ce fait, préconise **de voter EN FAVEUR des amendements 96, AGRI 42, AM 98/335 et AGRI 45,**

Si une taille minimale de caractère est imposée, Nestlé France souhaite également qu'elle ne s'applique qu'aux emballages d'une taille imprimable supérieure à 100 cm².

C'est pourquoi Nestlé France **invite les députés de la commission ENVI à voter EN FAVEUR des amendements 354** (à l'article 17 § 2) et **186** (concernant l'Annexe IV tiret 16).

Nestlé France **recommande par ailleurs de voter CONTRE les amendements IMCO 43** (relatif à l'article 14), **106, 352, 353, 355, 356, 357, AGRI 50 et IMCO 46** (relatifs à l'article 17), **549, 550** et **IMCO 86** (relatifs à l'Annexe IV tiret 16).

3. Etiquetage Nutritionnel

En face avant de l'emballage, Nestlé France est favorable à un étiquetage nutritionnel **obligatoire** comprenant, **pour l'énergie**, l'indication du Repère Nutritionnel Journalier, **exprimé en valeur absolue et en pourcentage par portion.**



En face arrière de l'emballage, Nestlé France souhaite un étiquetage nutritionnel obligatoire comprenant **8 nutriments** à savoir : énergie, protéines, glucides, sucres, lipides, acides gras saturés, sodium exprimés par **100g/100ml**. Pourraient être ajoutées de **façon volontaire** pour ces 8 nutriments, les valeurs nutritionnelles exprimées par **portion et en pourcentage des RNJ**.

Valeurs nutritionnelles	Pour 100 g	Pour portion de 200 g	% RNJ** pour 200 g
Energie	281 kJ 67 kcal	562 kJ 134 kcal	7%
Protéines	10.8 g	21.6 g	43%
Glucides	17.9 g	35.8 g	1%
dont sucres	15.9 g	31.9 g	3%
Lipides	1.7 g	3.4 g	5%
dont saturés	0.2 g	0.4 g	2%
Fibres	1.0 g	2.0 g	8%
Sodium	0.24 g	0.48 g*	20%

*équivalent en sel: 1,2 g
**Repères Nutritionnels Journaliers pour un adulte avec un apport moyen de 2000 kcal. Ces repères nutritionnels journaliers et les portions peuvent varier selon l'âge, le sexe, l'activité physique...

Par ailleurs, Nestlé France, tout comme les autorités françaises, s'oppose formellement au système de « traffic lights »

La mise en place d'un système de code couleur induit, en effet, **un jugement arbitraire sur l'aliment et ce, en totale déconnection par rapport au régime alimentaire**, ce qui, en définitive, **ne constitue pas une solution efficace pour améliorer l'équilibre alimentaire**.

En cela, Nestlé France est **en tout point d'accord avec les autorités françaises** qui soulignent que **le système de code couleur comme les « traffic lights » est de nature à classer les denrées alimentaires en « bons » et « mauvais » aliments** alors même que la politique nutritionnelle mise en œuvre au plan national depuis 2001 (Programme National Nutrition Santé) est **basée sur une alimentation variée et équilibrée qui n'exclut formellement aucun aliment**.

1 – Contenu de la déclaration nutritionnelle (Article 29)

Nestlé France souhaite une déclaration nutritionnelle obligatoire pour les 8 grands nutriments et invite les députés à SOUTENIR les amendements 386, IMCO 58, AGRI 62/409, AGRI 63/410, AGRI 64 et AGRI 65.

Par ailleurs, Nestlé France soutient la possibilité d'ajouter d'autres nutriments de manière volontaire et recommande aux députés de la commission ENVI de voter EN FAVEUR de l'amendement 403.

Toutefois, si Nestlé France soutient l'idée d'une déclaration nutritionnelle obligatoire, elle ne souhaite pas qu'elle figure en face avant de l'emballage et invite donc les députés à REJETER les amendements 379 et 384.

2 – Les formes d'expression de la déclaration nutritionnelle (Article 31)

Nestlé France est **pour l'expression de la valeur énergétique et des nutriments par portion de manière volontaire et invite les députés à voter en FAVEUR des amendements 416 et 418**.

Nestlé France est **favorable à l'expression des RNJ de manière volontaire en pourcentage et par portion**. Nestlé France invite donc les députés à voter EN FAVEUR des amendements 427 et 435, AGRI 67.

A contrario, Nestlé France recommande que les députés votent CONTRE les amendements 428, 430 à 434, 437 à 439.

3 – Expression par portion (Article 32)

Nestlé France est **en faveur de l'expression par portion de manière volontaire et SOUTIENT donc les amendements IMCO 66, 449.**

Nestlé France **s'OPPOSE cependant aux amendements 137, 443, 445 à 448.**

4 – Autres formes d'expression additionnelles (Article 33)

Nestlé France est **favorable** à d'autres formes d'expression additionnelles et **invite ainsi les députés à voter EN FAVEUR de l'amendement 451.**

Cependant, Nestlé France **s'OPPOSE aux amendements 452 et 453.**

5- Présentation de la déclaration nutritionnelle (Article 34)

Nestlé France souhaite que la déclaration nutritionnelle soit exprimée en face arrière de l'emballage, sous forme de tableau ou si l'espace n'est pas suffisant de façon linéaire. Nestlé France **SOUTIENT les amendements 458, IMCO 69 et s'OPPOSE aux amendements AGRI 70, 456, 457, 460, 467, 470 et 473.**

6 – Exemption de déclaration nutritionnelle obligatoire (Annexe IV)

Nestlé France **souhaite qu'il existe une exemption de déclaration nutritionnelle obligatoire pour certaines catégories de denrées alimentaires et invite les députés à SOUTENIR les amendements 188, 546 à 548, 551.**

7 – Système de code couleur

Nestlé France **s'OPPOSE à la mise en place d'un système de code couleur obligatoire et recommande aux députés de la commission ENVI de REJETER les amendements 431, 439, 470, 502, 507, 575.**

4. Schémas nationaux

Le présent règlement fait suite à une étude d'impact réalisée par la Commission européenne qui démontre que **l'absence d'harmonisation en matière d'information des consommateurs sur les denrées alimentaires entrave le bon fonctionnement du marché intérieur.**

Nestlé et la Commission européenne s'accordent à dire que **la compilation des dispositions nationales est de nature à entraver la libre circulation des marchandises.** C'est pourquoi Nestlé s'oppose à **la mise en place de schémas nationaux**, même volontaires, en ce qu'ils contribuent à créer des distorsions inacceptables pour les entreprises.

Autoriser les schémas nationaux aurait également pour conséquence de **réduire à néant les efforts consentis à ce jour par bon nombre d'opérateurs s'agissant des emballages multilingues.** En effet, de telles dispositions contraindraient les opérateurs à faire cohabiter sur un même emballage plusieurs schémas nationaux, ce qui pourrait être le cas pour les emballages comportant des mentions en français et en néerlandais , utilisables en France, en Belgique et aux Pays Bas.

Par ailleurs, **la cohabitation de schémas nationaux reviendrait à rendre l'information sur les denrées alimentaires confuse et inexploitable pour le consommateur européen** qui consacre en moyenne trente secondes par produit lors de l'acte d'achat.

Enfin l'un des bénéfices attendu par les entreprises quant à la mise en œuvre de ce règlement est **de réduire de manière significative les charges administratives qui pèsent sur elles.** Là encore, **la cohabitation de schémas nationaux ne permettrait pas d'atteindre cet objectif.**

Nestlé France est **pour la suppression des chapitres VI et VII de la proposition de réglementation et invite donc les députés de la commission ENVI à voter EN FAVEUR des amendements AGRI 75, AM 144, AGRI 83, IMCO 77, 152, 153, 156, 157, 159, 160/AGRI 84 et IMCO 78.**

From: Papp, Noémie[SMTP:NOEMIE.PAPP@EDELMAN.COM]
Sent: Thursday, March 11, 2010 3:46:33 PM
To: xxxxxxxxx
Cc: xxxxxxxxxxx
Subject: Danone's call for an exemption for Foods for Special Medical Purposes from minimum font size requirements
Auto forwarded by a Rule

Dear Honourable Member,

Danone is highly concerned by the provision in the Commission proposal to introduce a minimum font size for labelling on all food products. Under the proposal, Foods for Special Medical Purposes (FSMPs) would not be able to carry all the mandatory information contained in the Commission Directive on dietary foods for special medical purposes.

FSMPs are a special category of products that are used in hospital and at home by patients who are unable to consume regular foods or have special requirements. They are usually presented in small, single-serving packs that meet normally-prescribed intakes. The creation of larger packs could compromise patient safety or lead to wastage. In addition, they are used under the supervision of a healthcare professional and labels are not used for comparison with other food products. Some very specialist FSMP products are used by a limited number of patients across the EU. In some cases fewer than 50 people per year are born with the metabolic condition that requires a special FSMP. Consequently, manufacturers need to be able to use multilingual labels in order to protect consumers while maintaining an economically viable production process.

For all the above reasons, we call for your support for the amendments 332 and 339 tabled by Members Glenis Willmott and Francoise Grossetete calling for an exemption of FSMPs from the minimum font size requirement.

Attached you will find our position paper accompanied by examples which illustrate the non workability of the requirement to those products. We would be happy to answer any questions you might have prior to next week's discussions and vote.

Yours sincerely,

Annie LOCH
Directeur Affaires Réglementaires Groupe DANONE
17, bd Haussmann 75009 PARIS FRANCE
tel. 33 1 44 35 24 32
fax 33 1 44 35 26 95
portable 33 6 14 67 28 25
e-mail : annie.loch@danone.com

Sujet :

Food Information to Consumers/Compromise Proposal - Art. 14 para 1 a- DANONE'S suggested wording for the compromise amendment - DANONE

De :

"Voulgaraki, Vicky" <Vicky.Voulgaraki@edelman.com>

Date :

Fri, 12 Mar 2010 12:32:23 +0200

Pour :

xxxxxxxxxx@europarl.europa.eu>

Dear xxxxxxxxx

Danone would like to comment on the compromise amendment suggested by Mrs Sommer. We have included some wording to that amendment which makes reference to medical nutrition.

Best regards,

Vicky Voulgaraki

Vicky Voulgaraki
Account Director, Public Affairs

Rue des Deux Eglises, 20
1000 Brussels
Dir.Line 32 (0)2 227 6185
Cell 32 (0)496 54 26 69
Fax 32 (0)2 227 61 89
vicky.voulgaraki@edelman.com
www.edelman.com

All documents, transcriptions and photographs that are subject to royalties made available to you may only be used as documentation and for analysis. Under no circumstances whatsoever may they be copied, reproduced, redistributed, republished or circulated without explicit permission from the copyright owners and/or holders of the trademarks.

This message and any attachments contain(s) confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. It may also be privileged or otherwise protected by work product immunity or other legal rules.

Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message and attachments (if any), which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

Copyright (c) 2009 Toy Industries of Europe. All rights reserved. Reproduction in any medium requires our permission.





Danone position paper on the proposal for a Regulation on the provision of Food Information for Consumers
Application of rules on minimum font sizes for Foods for Special Medical Purposes
22 February 2010

Danone welcomes the Commission proposal for a Regulation on the provision of Food Information to Consumers. Consumer protection has always been the core of Danone's business and is at the heart of all its decisions.

In line with this fundamental position, we are highly concerned by the provision in the Commission proposal to introduce a minimum font size for labelling on all food products (with the exception of certain small packs). Under the proposal, Foods for Special Medical Purposes (FSMPs) would not be able to carry all the mandatory information contained in Commission Directive 1999/21/EC, which contains the labelling and information requirements for FSMPs, without a significant increase in the size of packs.

Therefore, we call for an exemption to be granted to FSMPs from the font size requirements outlined in article 14 (1) of the proposal. A minimum font size of 3mm – or even 1.2mm – would be unworkable for FSMPs.

About Foods for Special Medical Purposes (FSMP)

Foods for Special Medical Purposes (FSMP) are a special category of products that are used in hospitals (and increasingly at home) by patients who are unable to consume regular foods or have special requirements. Regulated under the Framework Directive on foods for particular nutritional uses (PARNUTS), FSMPs are subject to extensive mandatory labelling requirements under a specific Directive on dietary foods for special medical purposes (1999/21/EC).

Why should FSMPs be exempted from the minimum font size requirements?

- 1 Mandatory labelling requirements make a 1.2mm font size impossible to implement, even on larger packs:** even if only the mandatory information contained in Article 9 of the Commission proposal is in a 1.2mm font size, the additional information required under Article 1999/21/EC would not fit on the label in a legible form.
- 2 Pack sizes cannot be easily increased:** FSMP are usually presented in small, single-serving packs that meet normally-prescribed intakes. Creating larger packs could compromise patient safety (as residual product stored for later use has an increased risk of microbial growth) or lead to wastage (as residual product is discarded). Increased pack sizes and wastage would also be detrimental to the environment.
- 3 FSMPs are not consumed like other foods:** FSMP are used under the direction of a healthcare professional, and labels are not used for comparison with other food products.
- 4 Product labels are already subject to prior checks:** unlike with other foods, FSMP labels are submitted to competent authorities in member states under Directive 1999/21/EC. Therefore, even with an exemption from a requirement on a minimum font size, there would be an opportunity for authorities to assess the legibility of labels and request changes where necessary.
- 5 Economic viability:** some very specialist FSMP products are used by very small numbers of patients across the EU. In some cases, there are fewer than 50 people born each year with the metabolic condition that requires a specific FSMP. As a result, manufacturers need to be able to use multilingual labels in order to protect consumers while maintaining an economically viable production process. A minimum font size would force an increase in pack sizes (see above) or the production of different packs for different member states, thereby making the production of these FSMP unviable.

Conclusion

For all the above reasons, we strongly support the following amendments tabled by Members of the European Parliament Glenis Willmott and Francoise Grossetête who call for the exemption. We call upon the honourable Members of the European Parliament Committee on Environment, Public Health and Food Safety to endorse those amendments during the Committee vote on 16 March.

<p>Amendment 332 Glenis Willmott Proposal for a regulation Article 14 – paragraph 1 a (new)</p> <p><i>The minimum font size requirements referred to in paragraph 1 shall not apply to foods falling under Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes.</i></p> <p>Justification Dietary Foods for Special Medical Purposes (FSMP) have extensive additional mandatory text requirements in addition to those specified in Article 9(1) of the proposed regulation and even relatively large pack sizes will not be able to include all mandatory text at the proposed minimum font size. FSMP labels are submitted to competent Member States authorities at notification and legibility can be checked if the exemption is used by a manufacturer.</p>	<p>Amendment 339 Françoise Grossetête, Catherine Soullie Proposal for a regulation Article 14 – paragraph 4 - subparagraph 1 a (new)</p> <p><i>The criteria in terms of minimum font size set out in paragraph 1 shall not apply to foods which fall within the scope of Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes.</i></p> <p>Justification Ces aliments diététiques destinés à des fins médicales spéciales sont soumis à des réglementations européennes spécifiques car ils sont destinés à répondre aux besoins nutritionnels de patients dont le métabolisme est perturbé et qui ne peuvent assimiler correctement les nutriments issus d'une alimentation traditionnelle. La création de conditionnements plus importants risquerait de compromettre la sécurité des patients (puisque le produit restant conservé pour une utilisation ultérieure présente un risque accru de prolifération microbienne) ou de générer du gaspillage (le produit restant étant jeté). L'augmentation de la taille des conditionnements et le gaspillage seraient également préjudiciables pour l'environnement.</p>
--	---

About Danone

Danone is one of the most health-oriented food companies in the world, with a mission to bring health through food and beverage products to as many people as possible.

Danone enjoys leading positions on healthy food in four businesses: fresh dairy products (n°1 worldwide), waters (n° 2 on the packaged water market), baby nutrition (n°2 worldwide) and medical nutrition.

In 2008, the Group was named as the N° 1 healthy food company in the world in a report by JP Morgan and Insight Investment.

For more information, please contact:

Mary Crean, Senior Regulatory Affairs Officer, Danone Medical Nutrition
+44 151 230 52 68 or mary.crean@nutricia.com

Annie Loc'h, Corporate Regulatory Affairs Director, Groupe Danone
+33 6 14 67 28 25 or annie.loch@danone.com

Compromise AM to Art. 14 .1.a (new) - Products for particular nutritional use

Compromise AM [X]

[Renate Sommer, Francoise Grossetete, Catherine Soullie, Glenis Willmott, McGuinness, Stevenson]

Kompromissänderungsantrag anstelle [der Änderungsanträge 96,332,339,340,469, AGRI 45]

[Vorschlag für eine Verordnung](- Änderungsrechtsakt)

[Article 14 - Paragraph 1 - Character a (neu)]

([Richtlinie 2003/87/CE])

[Vorschlag der Kommission]

Geänderter Text

*1a. In the case of **dietary foods for special medical purposes**, as defined in Directive 1999/21/EC of 25 March 1999, **and** infant formulae, follow-on formulae and diversification foods intended for infants and young children, which fall within the scope of Commission Directive 2006/141/EC of 22 December 2006 and Commission Directive 2006/125/EC of 5 December 2006, which are subject to mandatory labelling requirements under Community legislation in addition to those particulars referred to in Article 9(1), the font size should be such that it meets the need for information for consumers to be legible and for additional information related to the particular use of those foods.*

(1a) Für Lebensmittel, die für eine besondere Ernährung bestimmt sind, im Sinne der Richtlinie 1999/21/EG, oder für Säuglingsanfangsnahrung, Folgenahrung und Beikost für Säuglinge und Kleinkinder, die in den Geltungsbereich der Richtlinie 2006/141/EG der Kommission und der Richtlinie 2006/125/EG der Kommission fallen, und für die die gemeinschaftlichen Rechtsvorschriften eine zwingende Kennzeichnung vorsehen, die über die Angaben nach Artikel 9 Absatz 1

hinausgeht, muss die Schriftgröße den Anforderungen der Lesbarkeit für die Verbraucher sowie der zusätzlichen Informationen über die besondere Bestimmung dieser Erzeugnisse genügen.



Examples of the impact of a minimum font size on the labelling of Foods for Special Medical Purposes (FSMP)

under the proposal for a Regulation on the provision of food information for consumers

19 November 2009

Example	Product	Pack content	Label surface area	Comments
1	Neocate LCP	400g	360cm ²	In this example, only the mandatory labelling referred to in Article 9(1) is in a font size of at least 1.2mm.
2	Neocate LCP	400g	360cm ²	In this example, all mandatory labelling (including that under Directive 1999/21/EC) is in a font size of at least 1.2mm.
3	Infatrini	100ml	45cm ²	This is an example for a liquid, ready-to-feed FSMP for infants with faltering growth. It is presented in a single-serving pack to optimise product safety. The label is presented with a font size of at least 1.2mm.
4	Nutrini Energy MultiFibre	200ml	105cm ²	This is an example for a high-energy FSMP for young children, supplied in a single-serving 200ml. The label is presented with a font size of at least 1.2mm.
5	Nutrison Soya	500ml	165cm ²	Nutrison Soya is a tube feed available in a 500ml pack. The label is presented with a font size of at least 1.2mm, requiring the nutritional information to be printed in the space reserved for the product barcode. Increasing the 'hang time' of these packs (by enlarging them to allow all mandatory labelling to be included in a font of at least 1.2mm) can compromise patient safety due to increased microbial growth.
6	Calogen Extra	200ml	200cm ²	The product is supplied in a 200ml. The label is presented with a font size of at least 1.2mm. Increasing the size of the pack would mean that the extra volume would not be consumed within the shelf-life of the product, thereby increasing product and packaging waste.

About Danone

Danone is one of the most health-oriented food companies in the world, with a mission to bring health through food and beverage products to as many people as possible.

Danone enjoys leading positions on healthy food in four businesses: fresh dairy products (n°1 worldwide), waters (n° 2 on the packaged water market), baby nutrition (n°2 worldwide) and medical nutrition.

In 2008, the Group was named as the N° 1 healthy food company in the world in a report by JP Morgan and Insight Investment.

For more information, please contact:

Mary Crean, Senior Regulatory Affairs Officer, Danone Medical Nutrition
+44 151 230 5268 or mary.crean@nutricia.com

Annie Loc'h, Corporate Regulatory Affairs Director, Groupe Danone
+33 6 14 67 28 25 or annie.loch@danone.com

Example 1



Example 2



Example 3



Example 4

NUTRICIA Nutrini

Energy Multi Fibre 1.5 kcal/ml | 200 ml

Average contents per 100 ml:

Energy	630 kJ 150 kcal	Pantothenic acid (B5) Vit. B6	0.50 mg 0.18 mg
Protein (11 En%)	4.1 g	Folic acid Vit. B12	23 µg 0.27 µg
Carbohydrate (49 En%) Sugars	18.5 g 1.1 g	Biotin	6.0 µg 15 µg
Lactose	<0.025 g	Minerals and trace elements	
Fat (40 En%)	6.7 g	Na	90 mg Cu 165 mg Mn 143 mg F
Saturates	0.8 g	Ca	90 mg Mo 75 mg Se 17 mg Cr
Docosahexaenoic acid	53.3 mg	P	6.0 µg 4.5 µg 5.3 µg 15 µg
Eicosapentaenoic acid	12.8 mg	Mg	
Dietary fibre (mfg)	0.8 g	Fe	
Zinc	1.5 mg		
Vitamins		Others	
Vit. A	61 µg RE	Carotenoids	0.15 mg
Vit. D3	1.5 µg	L-Carnitine	3.0 mg
Vit. E	1.9 mg α-TE	Choline	30 mg
Vit. K	60 µg	Taurine	11 mg
Thiamin (B1)	0.23 mg	Dihydroxyacetone	315 µmol/100 ml
Ethoxzolamide (B2)	0.24 mg		
Niacin (B3)	1.7 mg NE		

PER 200 ml:
kcal 300
Protein 8.2 g
Fibre 1.6 g
DHA/EPA* 5 mg

Docosahexaenoic acid / Eicosapentaenoic acid

Energy Multi Fibre
1.5 kcal/ml | 200ml

Barcode to be placed in box:
EAN 13
8 712400 157407

XXXXXX XXXXXX

EN Food for special medical purposes.
Energy dense, nutritionally complete, ready to use, fibre enriched tube feed for children aged 1-6 years, or 8-20 kg in weight. Gluten and lactose free*. (*AU + NZ: Low lactose). Packaged in a protective atmosphere.

IMPORTANT NOTICE: FOR ENTERAL USE ONLY, NOT FOR INTRAVENOUS USE. Only to be used under medical supervision. Suitable as the sole source of nutrition for children aged 1-6 years, or 8-20 kg in weight. For the dietary management of disease related malnutrition.

CONTRAINDICATIONS: Unsuitable for infants, patients requiring a fibre free diet and patients with galactosaemia.

DIRECTIONS FOR USE: Check appearance before use and shake well. Do not dilute or add medications to the formula. Store in a cool, dry place. Administer at room temperature. Once opened, close the bottle and store in a refrigerator for max 24 hr. Best before: see neck of bottle.

INGREDIENTS: Water, maltodextrin, vegetable oils, sodium caseinate (from milk), whey protein concentrate (from milk), dietary fibres (soy polysaccharides, resistant starch, inulin, arabic gum, cellulose, oligofructose), emulsifier (soy lecithin), fat-1,3-calcium-phosphate, potassium-l-glycinate, easily digestible cellulose, choline chloride, carotenoids (contains soy) β-carotene, lutein, lycopene, sodium L-aspartate, magnesium hydroxide, calcium hydroxide, taurine, potassium hydrogen phosphate, tri potassium citrate, choline chloride, nicotinamide, DL-alpha tocopheryl acetate, retinyl acetate, copper gluconate, sodium selenite, cholecalciferol, manganese sulphate, D-biotin, calcium D-pantetheate, thiamin hydrochloride, chromium chloride, riboflavin, pyridoxine hydrochloride, pharylmonoglutamic acid, potassium iodide, sodium fluoride, sodium molybdate, phytonadione, ferrous lactate, zinc sulphate, L-carnitine, Nutricia Ltd, White Horse Business Park, Trowbridge, Wiltshire, BA14 OXQ, England. Tel: 01225 711688. www.nutricia.co.uk. Patient/Carer Information Number (UK Only) Tel: 08457 623653.

Nutricia Ireland Ltd., Block 1, Deansgrange Business Park, Deansgrange, Co. Dublin, Ireland.

Nutricia Australia Pty Ltd., Talavera Corporate Centre, Level 4, Building D, 12-24 Talavera Rd, Macquarie Park, NSW 2113 Australia, Tel: 1800 080 051.



Example 5



Example 6



From: Elena Lymberidi[SMTP:ELENA.LYMBERIDI@EEB.ORG]
Sent: Friday, March 12, 2010 xxxxxxxx
To: Elena Lymberidi
Cc: lisette@env-health.org
Subject: ENV&Health NGOs: Pls support amendment 541 (mercury), ENVI (Sommer report) report on FOOD INFO to CONSUMERS, 16 March
Auto forwarded by a Rule

Dear Member of the Environment Committee of the European Parliament,

With respect to the ***ENVI report (Sommer Report) on FOOD INFORMATION TO CONSUMERS –***
please find attached the [Environment and Health NGOs comments](#) in view of [the discussion on amendments \(Monday 15 March \) and vote \(16 March \) at the ENVI Committee.](#)

We would appreciate if you could consider our comments **and support amendment 541** concerning labelling of the **mercury content** of meat from large predatory fish or foodstuffs containing meat from these fish species. The amendment would add: 'contains methylmercury- not recommended for pregnant or breastfeeding women, women who might become pregnant, and children' to be added immediately after the list of ingredients. In absence of a list of ingredients, the statement shall accompany the name of the food.

For more information our letter sent on 26 January can also be considered - [Environment and Health NGOs comments on labeling of foodstuffs: Environment Committee's report on the proposed regulation on food information to consumers](#)

Thank you in advance for your support

Yours sincerely,

Elena Lymberidi-Settimo

and Lisette van Vliet

Project coordinator 'Zero Mercury Campaign'

Toxics Policy Advisor

European Environmental Bureau (EEB)/
Zero Mercury Working Group (ZMWG)

Health and Environment Alliance (HEAL)

This is a message from:

Elena Lymberidi-Settimo

Project Coordinator 'Zero Mercury Campaign'
European Environmental Bureau (aisbl) (EEB)
Zero Mercury Working Group (ZMWG)
34, Boulevard de Waterloo B-1000 Brussels Belgium

T : +32 2 2891301

F : +32 2 2891099

elena.lymberidi@eeb.org

Skype : eeb_elena
homepage of Zero Mercury Campaign: www.zeromercury.org

homepage of EEB: www.eeb.org

Working days: Monday (all day), Tue-Fri (pm)
Please consider the environment before printing this e-mail



Brussels, 12 March 2010

**Environment and Health NGOsⁱ recommendation:
support amendment 541 about toxic mercury in fish,
ENVI Committee report on the proposed regulation on food information to consumers
[First reading vote in ENVI, 16 March 2010 – Sommer report]**

The Health and Environment NGOs welcome the Commission's proposal on an EU regulation on the provision of food information to consumers.

Our interest in this report concerns the information consumers will receive about the presence of toxic mercury, and in particular **amendment 541** concerning labelling of the **mercury content** of meat from large predatory fish or foodstuffs containing meat from these fish species. The amendment would add: '*contains methylmercury- not recommended for pregnant or breastfeeding women, women who might become pregnant, and children*' to be added immediately after the list of ingredients. In absence of a list of ingredients, the statement should accompany the name of the food.

Mercury is highly toxic, causing damage to the human nervous system at even relatively low levels of exposure.ⁱⁱ It persists in the environment for long periods, and can be transformed into methylmercury, its most toxic form. It accumulates in the bodies of wildlife and becomes more concentrated as it moves up the food chain. *Mercury also accumulates in human bodies and readily passes through both the placenta and blood-brain barriers.* It poses a particular risk to pregnant women and young children who eat contaminated fish, especially the **largest, oldest predatory fish** at the top of the fish food chain. This is why the Commission's Directorate-General for Health and Consumer Protection has recommended that women who are breastfeeding or who are or might become pregnant should limit their consumption of large predatory fish, such as swordfish, shark, marlin, pike and tunaⁱⁱⁱ.

The EU Commission Extended Impact Assessment on Mercury noted evidence of continuing exposures at or above the recommended 'safe' levels among some of the European population, especially in Mediterranean countries and the Arctic^{iv}. In the USA, where exposure levels may be comparable, a study^v estimates that **between 300,000-600,000 babies born each year suffer from intelligence loss due to methylmercury exposure**, which costs an estimated 8.7 billion dollars a year in lost earnings to the economy.^{vi}

We therefore urge you to support amendment 541.

Providing health information to fish consumers regarding the presence of methylmercury in certain fish should be a priority to help women and people caring for children to make informed decisions. Targeted consumer safety labelling is an appropriate approach in this case.

The US, several Member States and other countries, have already issued specific advice to vulnerable groups to limit or abstain eating certain species of fish in order to reduce methylmercury intake. This proposed amendment is in line to the EU Strategy on mercury (January 2005), aiming to reduce mercury levels in the environment and human exposure, especially from methylmercury in fish.^{vii} The European Parliament supported this Strategy in March 2006^{viii}.

For more information please contact:

Elena Lymberidi-Settimò, Project coordinator 'Zero Mercury Campaign', European Environmental Bureau ,
Elena.lymberidi@eeb.org, T: +32 2 289 13 01

Lisette van Vliet, Toxics Policy Advisor, Health and Environment Alliance, Lisette@env-health.org, T: +32 2 234 3645

ⁱ Environmental and Health NGOS include

The European Environmental Bureau, (EEB), www.eeb.org, is a federation of more than 145 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

The Zero Mercury Working Group (ZMWG), (www.zeromercury.org) is an international coalition of more than 80 public interest environmental and health non-governmental organizations from 42 countries from around the world formed in 2005 by the European Environmental Bureau and the Mercury Policy Project. ZMWG strives for zero supply, demand, and emissions of mercury from all anthropogenic sources, with the goal of reducing mercury in the global environment to a minimum. Our mission is to advocate and support the adoption and implementation of a legally binding instrument which contains mandatory obligations to eliminate where feasible, and otherwise minimize, the global supply and trade of mercury, the global demand for mercury, anthropogenic releases of mercury to the environment, and human and wildlife exposure to mercury.

The Health and Environment Alliance (HEAL) (www.env-health.org) raises awareness of how environmental protection improves people's health, and works to strengthen European policies. We do this by creating better representation of expertise and evidence from the health community in decision making processes. HEAL a diverse network of over 60 citizens', patients', health professionals', women's and environmental groups. Our members include international and Europe-wide organisations, as well as national and local groups.

ⁱⁱ World Health Organization (WHO), 1991, Environmental Health Criteria 118, Inorganic Mercury, WHO, Geneva.

ⁱⁱⁱ EFSA communication on methylmercury in fish, 2004,

http://www.efsa.europa.eu/cs/BlobServer/DocumentSet/note_methylmercury_af09_doc0602_en1.pdf?ssbinary=true

^{iv} Extended Impact Assessment – Communication from the Commission to the Council and the European Parliament on Community Strategy Concerning Mercury, SEC(2005) 101, p.5

^v Mount Sinai study: Public health and economic consequences of Methyl Mercury Toxicity to the Developing Brain, February 28, 2005
<http://ehp.niehs.nih.gov/members/2005/7743/7743.pdf>

^{vi} US EPA <http://www.epa.gov/waterscience/fish/advice/mercupd.pdf>

^{vii} EU Strategy on mercury, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0020:EN:NOT>

^{viii} <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&pubRef=-//EP//TEXT+TA+P6-TA-2006-0078+0+DOC+XML+V0//EN>

From: Secretariat@ensa-eu.org[SMTP:SECRETARIAT@ENSA-EU.ORG]
Sent: Friday, March 12, 2010 xxxxxxxx
To: Secretariat@ensa-eu.org
Subject: ENVI Committee vote on the Food Information to Consumers proposal
Auto forwarded by a Rule

Dear MEP,

On 16 March, the ENVI Committee will vote on the draft report of MEP Renate Sommer (EPP, Germany) on the Commission's proposal for a Regulation on the provision of food information to consumers (the food labelling proposal).

ENSA, the European Association of Natural Soyfoods Manufacturers, welcomes the proposed Regulation which aims at enabling consumers to make informed and healthy food choices through the introduction of mandatory nutritional labelling.

In the perspective of the vote, ENSA calls on you to make sure that the provisions of the new food information to consumers Regulation are not discriminatory against soyfoods by :

- **SUPPORTING amendments 127 / 407 by rapporteur Renate Sommer** as well as amendments 401 by Elena Oana Antonescu, 403 by Dagmar Roth-Behrendt, 405 by Bernadette Vergnaud so as to add cholesterol to the list of nutrients in the voluntary nutrition declaration (article 29.2).
 - Not having cholesterol in the list of nutrients in the voluntary nutrition declaration would result in the prohibition of the provision of any information on the cholesterol content of a product.
- **REJECTING amendment 253 by rapporteur Renate Sommer** which provides for a different factor for the calculation of proteins for dairy products.
 - It is simpler and more consistent to have only one conversion factor for all types of proteins.

For more information, please see the ENSA position paper on the food information to consumers proposal attached to this email. The Secretariat is also at your disposal to answer any question you may have.

Best regards,
ENSA Secretariat

118 avenue de Cortenbergh
1000 Brussels
tel: +32 2 737 65 12
secretariat@ensa-eu.org
www.ensa-eu.org

Cholesterol: The need for maintaining clear nutrition information

**ENSA position paper on the European Commission's proposal for
a Regulation on the provision of food information to consumers (FIC-proposal)**

19 January 2010

ENSA, the European Association of Natural Soyfoods Manufacturers, welcomes the European Commission's proposal for a Regulation on the provision of food information to consumers (food labeling proposal) which foresees a harmonization of food labeling rules at the European level and introduces mandatory nutrition labeling of all food products.

The need for maintaining clear nutrition information on cholesterol

As part of our commitment to enable consumers to make conscious choices ENSA members already provide substantial nutrition information to consumers on their product packs on a voluntary basis. In particular, **ENSA believes it is essential to inform consumers about the cholesterol content of food products to make it easier to make the right choice when looking for a product that fits in a balanced diet.**

In dietary guidelines it is generally recommended to limit the ingestion of cholesterol through food. Cholesterol-containing foods are generally containing higher amounts of saturated fats, which are known to have a negative impact on blood cholesterol levels.

According to international nutrition recommendations (WHO, European guidelines on cardiovascular disease prevention, American Heart Association etc.)¹ and to national recommendations (Belgian Superior Health Council – SHC², German-Austrian-Swiss - D-A-CH), **it is advised to limit the daily dietary intake of cholesterol to maximum 300 mg cholesterol per day.**

Current provisions on cholesterol in the food labeling proposal or in proposed amendments:

- ENSA is strongly concerned that cholesterol is **not included in the list of optional nutrients in article 29.2 of the current proposal. This would result in a de facto prohibition for food operators to provide consumers with nutrition information on the cholesterol content of food products, as part of the total fatty acid composition (Directive 90/496/EEC).**
- Amendments have been tabled to Annex I on specific definitions so as to provide for a different conversion factor for proteins for dairy products. **Introducing a different conversion factor for dairy products would be contradictory with the objective of simplification of the proposal. A single conversion factor for all proteins would be much simpler.**

¹ Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition and the Prevention of Chronic Disease (2002: Geneva, Switzerland). WHO Technical Report Series 916. WHO Geneva, 2003. European guidelines on cardiovascular disease prevention in clinical practice – Third Joint Task force of European and other Societies on Cardiovascular disease prevention in clinical practice, European Heart Journal 2003; 24,1601-1610. AHA Scientific statement – Diet and lifestyle recommendations revision 2006 –A scientific statement from the American Heart Association Nutrition Committee Circulation 2006;114:82-96

² Food recommendations for Belgium Revision 2009 N° 8309

ENSA believes that the new food labeling Regulation should guarantee at least the same level of nutrition information as is required under the current nutrition labeling Directive 90/496/EEC. In addition, the Regulation should:

- be in line with recent national and international dietary recommendations
- take into account that dietary cholesterol is a good help for guiding consumers towards a more balanced diet
- help consumers make informed choices while not discriminating against certain types of products

ENSA therefore calls on you to ensure that:

1. **Optional voluntary labeling of cholesterol remains possible under the new Regulation**
2. **Same labelling requirement for all types of proteins**

1. Ensure that optional voluntary labeling of cholesterol remains possible under the new Regulation

ENSA calls for the inclusion of cholesterol in the list of optional nutrients in the nutrition declaration in article 29.2 of the proposal and supports the following amendment:

"2. The nutrition declaration may also include the amounts of one or more of the following:

- (a) trans fats;
- (b) mono-unsaturates;
- (c) polyunsaturates;
- (d) cholesterol**
- (e) polyols;
- (f) starch;
- (g) fibre;
- (h) protein;
- (i) any of the minerals or vitamins listed in point 1 of Part A of Annex XI, and present in significant amounts as defined in point 2 of Part A of Annex XI.*

2. Ensure that all types of proteins face the same labelling requirement

ENSA calls for the rejection of amendments to Annex I point 2 providing for a different conversion factor for proteins for dairy products.



About ENSA

Established in January 2003, ENSA represents the interests of Natural Soyfoods Manufacturers in Europe. ENSA is an association of internationally operating companies, ranging from large corporations to small, family-owned businesses.

ENSA represents:

- 9 companies, operating mainly in the 27 EU countries, but also present around the world, in America, Africa, Asia and, the Middle East.
- Close to 500 M€ in annual turnover
- 1500 direct employees, 7500 indirect jobs

For more information on ENSA, please visit www.ensa-eu.org or contact the ENSA Secretariat.

ENSA Secretariat
118 Avenue de Cortenbergh
1000 Brussels
Tel : +32 737 62 15
Email: Secretariat@ensa-eu.org
Website: www.ensa-eu.org

From: Maureen Decroos[SMTP:DECROOS@EUROCOMMERCE.BE]
Sent: Friday, March 12, 2010 xxxxxxxxxxxx
To: undisclosed-recipients
Subject: Food Information to Consumers - EuroCommerce voting recommendations for the ENVI vote on Sommer report
Auto forwarded by a Rule

<<ENVI Food Info - EuroCommerce voting recommendations.doc>>

Dear Member of the Environment, Public Health and Food Safety (ENVI) Committee,

In view of the vote on the draft report on Food Information to Consumers (*Sommer report*) scheduled for 16th March, EuroCommerce would like to put forward the attached recommendations on the key amendments for the commerce sector.

EuroCommerce represents the retail, wholesale and international trade sectors in Europe. Our membership includes commerce federations in 31 countries, European and national associations representing specific commerce sectors and individual companies. Over 95% of the 6 million companies in commerce are small and medium-sized enterprises. The sector is a major source of employment creation: 31 million Europeans work in commerce, which is one of the few remaining job-creating activities in Europe.

Labelling and consumer information are issues of utmost interest for the commerce sector: consumers will shop with retailers who provide them with the products and services they want, and product information is an important part of a retailer's marketing strategy to attract and retain the loyalty of customers.

Many thanks in advance for considering our recommendations.

Best regards,

Marina Valverde

Food Policy and Consumers Adviser

[EuroCommerce](#)

[Avenue des Nerviens 9-31, B-1040 Brussels](#)

T: +32 2 737 05 84, F: +32 2 230 00 78

www.eurocommerce.be

DISCLAIMER: This e-mail and any attached files are confidential and may be legally privileged. Any disclosure, reproduction, copying, distribution, or other dissemination or use of this communication is strictly prohibited if not previously approved by the EuroCommerce management. If you have received this transmission in error please notify EuroCommerce immediately and then delete this e-mail. This communication does not constitute any formal commitment on behalf of EuroCommerce.

SAVE PAPER: do you need to print this e-mail?

Food Information - Eurocommerce voting recommendations on Sommer draft report

Date: 12th March 2010
Contact: Marina Valverde López, T: +32 2 737 05 84, valverdelopez@eurocommerce.be

Responsibilities

It is essential that stakeholders' responsibilities are clearly laid down. Retailers should only be responsible for the labelling particulars of products they import and/or sell under their own brands.

EuroCommerce asks your SUPPORT for amendments 74, 80, 86, 203, 279 and 281/282/283.

Unpacked foodstuffs

There is no cross-border activity for non pre-packed food, no single market concern. The variety of product ranges, manual production and changing offer of these foodstuffs render rules for pre-packed foodstuffs wholly unsuitable.

A mandatory written indication of allergens present in these foodstuffs could give a false security to consumers that other allergens are not present

EuroCommerce asks your SUPPORT for amendments 6, 29, 43, 94, 108, 115, 155/156/157, 240, 251/252/253, 321, 359, 371, 373, 377 and 513.

Clarity and legibility of labels

Label clarity depends on print size, colour, contrast, density etc. Addressing only print size will not be enough to ensure the desired legibility.

EuroCommerce asks your SUPPORT for amendments 47, 59, 72, 97/9, 208, 324/325, 335 and 354.

Distance selling

Regular compositional changes makes, in practice, impossible to provide up-to-date information on all distance selling material. It would be enormously costly both in money and to the environment: republishing catalogues every few months would use up to four times as much paper.

EuroCommerce asks your SUPPORT for amendment 345.

Uniform compliance dates

In order to minimize the economic impact of frequent labelling changes, food labelling rules should be implemented following a uniform timetable.

EuroCommerce asks your SUPPORT for amendments 37 and 265.

Mandatory nutrition declaration

The nutrition declaration should focus on those nutrients designated of most concern to public health by the World Health Organization (WHO): energy, fat, saturates, sugar and salt. Energy and nutrients must be declared per 100g/100ml to allow comparison of different food within the same category, irrespective of packaging size and content. In addition, it should also be possible to express these amounts per portion.

EuroCommerce asks your SUPPORT for amendments 137, 142, 389, 416, 418, 443, 459, 471/472 and 474.

Additional forms of expression

In addition to indicating the mandatory particulars, food operators should be allowed to continue the voluntary use of different labelling schemes, independently of a national scheme.

EuroCommerce asks your SUPPORT for amendments 138 and 144.

Voluntary Information

The proposal should also allow sufficient flexibility to keep proving information on voluntary basis, including information for targeted groups different than the average adult population.

EuroCommerce asks your SUPPORT for amendments 480 and 483.

National schemes/national provisions

The adoption of various national schemes will create barriers to Community trade. "Voluntary" schemes will *de facto* become the rule for a market and operators will need to comply with various systems, thus threatening the single market.

EuroCommerce asks your SUPPORT for amendments 53, 156/157 and 160.

Origin labelling

Existing legislation already requires that the origin is given when its absence could mislead consumers. This general principle should be sufficient.

EuroCommerce asks your SUPPORT for amendments 50/51/52, 153, 299, 305, 308, 491 and 505/506.

Scope and objectives of the proposal

In line with the Commission's Better Regulation objective, only information essential for informed consumer choice should be mandatory. Stakeholders should be consulted when considering new labelling requirements.

EuroCommerce asks your SUPPORT for amendments 10, 25, 55, 58, 60, 113, 204, 230 and 268.

European Parliament involvement

Certain provisions cannot be considered as "non-essential" elements of the proposal and should be agreed through co-decision, not comitology.

EuroCommerce asks your SUPPORT for amendments 90, 93, 100, 117, 129, 159 and 319.

Entry into force

Food placed on the market or labelled prior to the date of application of the proposed Regulation should be marketed until their expiry date.

EuroCommerce asks your SUPPORT for amendments 164, 266 and 527/528.

Annexes

Ingredients causing allergens or intolerances: The limits set are only relevant for the food ready for consumption. The provision is not applicable to products in concentrated form which need to be prepared before consumption.

EuroCommerce asks your SUPPORT for amendments 172 and 176

Additional particulars: Mandatory double labelling is unnecessary as sweeteners are clearly labeled and warning labels for phenylalanine are provided where necessary.

EuroCommerce asks your SUPPORT for amendment 178.

Exemptions: Non pre-packed foods, slam packages and products with a seasonal, luxury or gift packaging should be exempted from the nutrition declaration requirement.

EuroCommerce asks your SUPPORT for amendments 186/187/188, 546/547/548 and 551.

Reference Intakes: The provisions in Annex XI, Part A 2 are not in line with CODEX.

EuroCommerce asks your SUPPORT for amendment 569.

Expression and presentation of nutrition declaration: The kilo joule is not well understood by consumers

EuroCommerce asks your SUPPORT for amendment 200.

EuroCommerce and the commerce sector

EuroCommerce represents the retail, wholesale and international trade sectors in Europe. Its membership includes commerce federations and companies in 31 European countries.

Commerce plays a unique role in the European economy, acting as the link between manufacturers and the nearly 500 million consumers across Europe over a billion times a day. It is a dynamic and labour-intensive sector, generating 11% of the EU's GDP. One company out of three in Europe is active in the commerce sector. Over 95% of the 6 million companies in commerce are small and medium-sized enterprises. It also includes some of Europe's most successful companies. The sector is a major source of employment creation: 31 million Europeans work in commerce, which is one of the few remaining job-creating activities in Europe. It also supports millions of dependent jobs throughout the supply chain from small local suppliers to international businesses.

From: Christelle GUERMANI[SMTP:CHRISTELLE.GUERMANI@PMAF.ORG]
Sent: Friday, March 12, 2010 xxxxxxxxx
To: xxxxxxxx
Subject: Liste amendements rapport Sommer
Auto forwarded by a Rule

Mxxxxxxx xxxxxxxx,

Suite à la publication du rapport Sommer relatif à l'étiquetage des denrées alimentaires, la Protection mondiale des animaux de ferme (PMAF) souhaite attirer votre attention sur une liste d'amendements que vous trouverez en fichier attaché.

Ces amendements sont des éléments incontournables qui tendent vers une meilleure prise en compte du bien-être animal et sont également des réponses aux demandes accrues des consommateurs, désireux d'acheter « éthique » et « durable ».

Aussi, la PMAF vous serait très reconnaissante de bien vouloir vous prononcez en faveur de cette liste, vous remercie pour votre intérêt et pour votre prochaine réponse.

Très cordialement,

Christelle GUERMANI
Chargée des relations institutionnelles

Protection mondiale des animaux de la ferme
8 ter en Chandellerue
F-57006 METZ CEDEX 1
Tél: + 33 (0)3 87 36 46 05
E-mail: christelle.guermani@pmaf.org
Web site: www.pmaf.org



Proposition de règlement sur l'information alimentaire des consommateurs.

Rapport Sommer¹

Amendements qui ont un impact sur le bien-être animal

La Protection mondiale des animaux de ferme (PMAF) invite les membres de la Commission de l'environnement, de la santé publique et de la sécurité alimentaire à soutenir les six amendements suivants et à rejeter les deux autres :

Numéro d'amendement	Présenté par	Description	Soutien ou opposition
177	Sommer	Produits de viande provenant d'animaux ayant fait l'objet d'un abattage particulier. Viande ou produits de viande provenant d'animaux non étourdis avant l'abattage, c'est-à-dire abattus rituellement. « Viande provenant d'animaux abattus sans étourdissement »	Soutien
223	Schlyter	Pour la viande et les produits alimentaires contenant de la viande, des dispositions plus précises devraient être prévues, tenant compte des lieux de naissance, d'élevage et d'abattage.	Soutien
263	Schlyter	Pour les viandes et les produits contenant de la viande, l'origine est définie comme le pays dans lequel l'animal est né, a été élevé pendant la majeure partie de sa vie et a été abattu. Si ces pays sont différents, les différents lieux doivent être indiqués lorsqu'il est fait référence au pays d'origine.	Soutien
301	Schlyter	L'indication de chacun des lieux de naissance, d'élevage et d'abattage doit être fournie sauf si le lieu de naissance, d'élevage et d'abattage est le même.	Soutien
302	Willmott	Idem 301	Soutien
362	Schlyter	Les boîtes d'œufs comportent déjà un étiquetage relatif au mode d'élevage. Il serait nécessaire que les produits contenant des œufs soient aussi étiquetés selon le mode d'élevage.	Soutien
491	Ries	Supprime l'article 35(4) qui prévoit que lorsque, sur la base du volontariat le pays d'origine est précisé sur la viande, le lieu de naissance, d'élevage et d'abattage doit être indiqué. Art 35(4) est utile sauf vote de l'ENVI pour le renforcer par les amendements 301, 3012 et AGRI 31.	Opposition
AGRI 31		Idem 301	Soutien
AGRI 56		Demande à la Commission d'établir des critères pour l'étiquetage de la viande et du lait selon le mode d'élevage.	Soutien
AGRI 79		Idem 491	Opposition

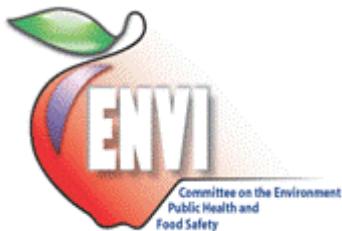
¹ Texte de référence : Projet de rapport sur la proposition de règlement européen et du Conseil concernant l'information des consommateurs sur les denrées alimentaires. COM(2008)0040-C6-0052/2008(COD)

From: Ludger Fischer[SMTP:L.FISCHER@UEAPME.COM]
Sent: Friday, March 12, 2010 **x**
To: Ludger Fischer
Subject: UEAPME_food_letter_100312 ENVI vote on labelling
Auto forwarded by a Rule



UEAPME_food_letter_100312
Brussels, 12 March 2010

x	for your information
	action requested



Dear members of UEAPME's food forum,
On Monday 15 March the European Parliament's ENVI committee will vote on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers.

The discussion is overloaded with proposals for ADDITIONAL burdens for enterprises without any necessary information for consumers.

Fortunately the Parliament's Committee on Agriculture and Rural Development (AGRI) which is involved in the decision found a reasonable way to deal with unpacked food: On non-prepacked foods the Committee "supports the Commission proposal that the labels on non-prepacked foods should include details of allergens. However, with a view to maintaining the status quo and not imposing too many constraints on sellers of nonprepacked foods, it is proposing to reverse the Commission proposal as regards the other mandatory particulars: indication of these particulars should not be compulsory unless a Member State adopts rules requiring all or some to be indicated. In addition, consumers should be provided with information about allergens at their request, at the point of sale."

see

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/agri/ad/801/801217/801217en.pdf

Nicht fertig abgepackte Lebensmittel

Der Ausschuss für Landwirtschaft und ländliche Entwicklung unterstützt den Vorschlag der Kommission, bei nicht fertig abgepackten Lebensmitteln Informationen zu Allergenen vorzuschreiben. Um jedoch den Status quo zu wahren und den Verkäufern nicht fertig abgepackter Lebensmittel nicht allzu viele Pflichten aufzuerlegen, schlägt der Ausschuss vor, den Vorschlag der Kommission hinsichtlich weiterer vorgeschriebener Angaben umzukehren: diese Angaben werden nur vorgeschrieben, wenn ein Mitgliedstaat Vorschriften erlässt, die vorsehen, dass alle oder einige dieser Angaben vorgeschrieben sind. Außerdem werden dem Kunden am Verkaufsort auf Wunsch Informationen über Allergene zur Verfügung gestellt.

vgl.

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/agri/ad/801/801217/801217de.pdf

Les denrées non-préemballées

La commission de l'agriculture et du développement rural soutient la proposition de la Commission visant à imposer la mention des allergènes pour les denrées non-préemballées. Néanmoins, afin de maintenir le statu quo actuel et de ne pas imposer trop de contraintes aux vendeurs de denrées non préemballées, elle propose de renverser la proposition de la Commission en ce qui concerne les autres informations obligatoires: l'indication de ces mentions ne devrait pas être obligatoire, à moins qu'un Etat membre n'adopte des règles exigeant que toutes ou certaines d'entre elles soient indiquées. De plus, les allergènes sont communiqués aux clients à leur demande sur le lieu de vente.

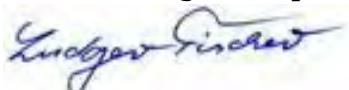
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/agri/ad/801/801217/801217fr.pdf

A similar solution was found by the Parliament's Committee on the Internal Market and Consumer Protection (IMCO):

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/imco/ad/806/806188/806188en.pdf

UEAPME thanks all deputies who try to make the regulation managable.

No labelling of unpacked food!



- Next meeting of the UEAPME food forum: 18 March 2010, 11:00-13:00, London, House of Parliament, Fielden House, Westminster.

- Last UEAPME_food_letter was: 100310 BTSF newsletter

Dr. Ludger FISCHER - UEAPME union européenne de l'artisanat et des petites et moyennes entreprises, 4 Rue Jacques de Lalaing, B 1040 Bruxelles, Tel +32 2 2850 724, Fax +32 2 230 78 61 www.ueapme.com
l.fischer@ueapme.com

Sujet: 82% of respondents to CIAA Nutrition Quiz understand the GDA icon front-of-pack

Expéditeur: <k.carson@ciaa.eu>

Date: Mon, 15 Mar 2010 xxxxxxxx

Destinataire:xxxxxxxxxx@europarl.europa.eu>



82% of respondents to the GDA Nutrition Quiz understand that the GDA icon front of pack illustrates the number of calories (energy) in a portion of the given product.

Each portion contains

Calories
139
7%

of an adult's GDA

Over 450 visitors completed and returned a **GDA** nutrition questionnaire distributed during a 3-day **Information Stand** at the European Parliament in November 2009.

The results paint a promising picture and demonstrate a wide degree of understanding of GDA labelling among consumers.

To view the [full results](#) of the questionnaire, find out more about GDAs and to test your knowledge of the scheme, check out our on-line GDA quiz at: <http://gda.ciaa.eu>

GDAs: The Facts. Your Choice.

<http://gda.ciaa.eu>

From: Laurene Souchet[SMTP:INFO@EFANET.ORG]
Sent: Monday, March 15, 2010 xxxxxxxxx
To: xxxxxxxxxxxx
Subject: Food labelling discussion today and FOOD ALLERGY
Auto forwarded by a Rule

Dear xxxxxxxx,

The European Federation of Allergy and Airway Diseases Patients Associations writes to you on behalf of the patients with food allergies we represent, to express our concern that the proposal for a regulation on provision of food information to consumers will be watered down and will no longer respond to the problems people with food allergies face in their everyday life.

5 to 8 percent of European children and 1 to 2 percent of European adults live with food allergies, which are a lifestyle burden and a potential threat to their life. It requires extreme vigilance from those consumers; therefore this regulation is an opportunity to reduce this lifestyle burden through providing clear labelling.

Eating out is often taking dangerous risks for citizens with food allergies; therefore there is a need for clear labelling of non pre-packed food. Cross contamination can and should be avoided by establishing a safety chain for food allergens, because this is a safety issue, on the same level as hygiene.

We also urge you to support the minimum 3mm font size for allergen labelling – no newspaper or magazine is less than 1mm – and food allergen labelling can be a matter of life and death.

One problem that is not tackled by the proposal is the needed clear labelling of addition of an allergen when there is a change of recipe in an already existing product, which can lead to accident.

We are also very concerned about the absence of regulation of the “may contain” precautionary labelling, which doesn’t have a legal definition. It indicates a doubt, which young people are tempted to opt for. Our association is aware of mortal accidents involving those labels.

We urgently ask you to speak and vote on behalf of consumers with food allergies when discussing this proposal.

Thank you very much for your attention.

Please do not hesitate to contact us should you require any further information or clarification – we would be happy to help and to meet with you or provide documentation.

Yours sincerely,

Marianella Salapatas, EFA President.

EFA is a non-profit network of allergy, asthma and COPD patient organisations representing 32 member organizations in 20 countries, and over 400.000 patients. EFA aims to substantially reduce the frequency and severity of allergies, asthma and COPD, minimise their societal implications; improve health-related quality of life of patients; and ensure full citizenship of people with these conditions.

Laurène Souchet

The EFA European Federation of Allergy and Airways Diseases Patients' Associations

is a Partner of the **Year of the Lung** www.yearofthelung.org

35 Rue du Congrès, 1000 Brussels, Belgium - Tel. +32 (0)2 227 2712 - - Fax. +32 (0)2 218 3141 -
Email info@efanet.org - www.efanet.org

Explanatory Paper on EU food labelling and food allergy from patient perspective

For the attention of the European Parliament, Council, the Commission, responsible authorities in the member states and EFSA

Proposal for regulation of the European Parliament and of the Council on the provision of food information to consumers 2008/0028 (COD)

This paper has been prepared by the EFA (European Federation of Allergy and Airways Diseases Patients' Associations on the above proposal, representing through our member organisations the people with food allergy across Europe¹.

Food Allergy is a Food Safety issue, just as Hygiene.

There is no food safety without accurate labelling and clear identification of all ingredients.

Food Allergies are a “lifestyle burden” for individuals concerned as well as for their families and people who share their food, as it requires extreme vigilance. Allergic reactions to food can be life threatening. Eating out in particular poses dangerous risks. Therefore the list of contents on all labels of food products purchased for consumption must always be carefully checked to avoid introducing an allergen in the diet of persons susceptible to allergic reactions.

Background: the situation in Europe for Consumers with Food Allergies

1-2% of adults and 5-8% of children live with IgE-mediated food allergies.² In addition, at least 1% of the population has celiac disease and up to 20% of the population has non-IgE- mediated food intolerances and need to avoid particular foods.

The only way to manage food allergy or intolerance is to avoid the allergen to which one reacts.

The introduction of mandatory allergen labeling on pre-packed food has changed our lives. **The directive 2003/89/EC was a step forward.** The effect on public health has been immediate as can be seen in the statistics of anaphylactic shocks caused by « hidden allergens ». However feedback from EFA members and associated help-centers and fatal cases indicate that there are still problems to be addressed.

September 2008: Deja Hay, a seven-year-old boy who is allergic to **cow's milk** died after drinking a carton of pineapple and coconut juice. Skimmed milk was listed among the ingredients, but he didn't expect milk to be present in a fruit juice drink and nor did his mother. Neither of them noticed it in the ingredients list. Could you read this?

As a result,

EFA

July 2008 : Dexter Skinner, 16 who suffered from a severe peanut allergy, died after biting into a chocolate bar.

December 2007 : Stephanie Faulkner, 14, was out for a meal with her best friend but suffered a severe anaphylactic shock and died after she ate a chicken tikka masala at a Bangladeshi restaurant. The menu did not mention nuts.

welcomes

this proposal but notes that many issues related to food allergies are not sufficiently taken into account and demands further action concerning:

1. Quality of labeling for pre-packed food

¹ EFA is a non-profit network of allergy, asthma and COPD patient organisations representing 32 member organizations in 20 countries, and over 400.000 patients. EFA aims to substantially reduce the frequency and severity of allergies, asthma and COPD, minimize their societal implications; improve health-related quality of life of patients; and ensure full citizenship of people with these conditions.

² The prevalence, cost and basis of food allergy across Europe. ENC Mills, AR Mackie, P Burney, K Beyer, L Frewer, C Madsen, E Botjes, RWR Creve, R van Ree. Allergy 2007; 62: 717–722

- Legibility of the label: Very often, the labeling is not easy to read. Nowadays, the letters of the ingredients list are often smaller than 1 mm ... while there is no newspaper or book using font size under 2 mm!

The proposal of the European Commission to set a 3mm minimum for the font size, as well as provisions on the contrast between writing and background are excellent and very much needed.

- Change in the recipe: Nothing appears in this proposal concerning the warnings of introduction of one of the 14 mandatory allergens in a new recipe of an existing product. It is of particular concern since it has led to serious accidents as consumers do not expect danger coming from a product that has been eaten without problems in the past. In this case, mentioning the allergen in the ingredient is not sufficient.

Changes in the recipe must be clearly mentioned on the labeling by a « new recipe » statement or a notice « contains, in addition, the name of the allergens » on the main side of the package.

- “May contain” labeling (precautionary labelling): This type of labelling has been introduced by the food industry on a voluntary basis. Some allergens are part of the recipe while others may be present in the prepared food by cross contamination. As this term « may contain » is not legally defined, each producer has his own interpretation. Therefore the food allergic consumers are not able to judge if there is a risk involved, especially if they find this mentioned on labels for products that have previously been consumed without problems.

Our associations are aware and have examples that serious reactions, and even deaths, have been caused by « may contain » labels. These labels indicate a doubt or give the option for the reader to opt for the doubt factor. Young people are tempted to opt for the doubt. In cases where there is in fact a real cross contamination of the product, this can lead to a severe reaction or death.

The “may contain” mentions should be defined for European market and they should not be accepted unless

- all reasonable precautions have been taken in the production
- good practices are in use
- the workers have received awareness and practical workplace training on food allergy.

2. Labelling for non pre-packed food.

In most countries the non-pre-packed food (sold in bakeries, butcher's shops, snack bars, restaurants and canteens) is not covered by regulation. There is no information available to protect people against an undesirable allergen.

Therefore we welcome that the Commission includes new provisions concerning allergen information for non pre-packed food in its proposal, as it acknowledged that 7 out of 10 severe allergic reactions happen when people eat out³. However there are shortcomings in this proposal concerning this issue.

The proposal states that information “should be provided” but doesn't indicate how. Rapporteur Renate Sommer propose in her draft report the solution of a legal sign, indicating that information are available, but that cross contamination cannot be avoided, and we are concerned this later warning would nullify the responsibility of the enterprise in case of an accident.

³http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/publications/labelling_citizens_summary_310108_final_cab.pdf

Labeling of allergens has to be mandatory in non pre-packed food:

Regulations must apply to pre-packed food as well as food prepared by catering establishments and food sold loose. It is essential to guarantee that people with food allergies have access to information that will protect them.

3. Establishment of a safety chain for people with food allergies

In our developed society, we cannot accept that some people are faced with danger simply by eating everyday meal. That is why each person working at every stage of the production, delivery, fabrication, sale and service of food should be able to check the ingredients used, as well as any possible contaminants. Each « food business operator » must be aware of the risks involved by food allergy in the same way as they understand the risks involved in poor cleanliness.

- **The responsibility for providing information:** We agree with the principle that it is the food suppliers' responsibility to keep product information and be ready to inform their customers about allergens at each step in the distribution chain, as mentioned in the proposal. The labeling of ingredients and possible allergen contaminants for non pre-packed food is essential information for people suffering from food allergies and intolerances. Some European countries have already made this information compulsory.

Information on all the ingredients (and not only the 14 main allergens) should be collected and managed at each stage of the food preparation process, where a product or a package is changed, either by packaging or addition of an ingredient. This means the producer of the raw material, the wholesaler who sells it to the shop or the catering establishment, the place where it is prepared, sold or served to the consumer.

Every food business operator must be required by law to provide a complete and accurate ingredients list to another food business operator customer (including catering establishments) at the time the food is delivered. Any subsequent changes in specification must be communicated to the catering establishment or final retailer.

It is the responsibility of each producer, wholesaler, retailer or caterer to check the accuracy of what he or she receives and what sells, in order to be able to give the information requested by people with food allergies.

- **The wholesaler needs to be involved too:** All this should apply to the « convenience» or «ready-made» products and ingredients bought from a wholesaler such as spices mixtures, ready made bread mix, ready made cake or pastry mix...

At any given moment in the production/supply chain, if the producer or wholesaler decides to mix several different products in one package, for example sesame seeds rolls with plain unseeded rolls, it should be mandatory that a new label is developed and applied.

In case where the product delivered to the catering establishment is not exactly the one that has been ordered or usually bought, it should be clearly indicated (e.g. a danger signal if one of the 14 allergens is used)

In each of the above examples, our associations have been aware of serious and sometimes fatal reactions due to a lack of accuracy or information from the wholesaler.

All wholesalers need to be aware of severe allergies and alerted to what is required by these new regulations.

Managing food allergens must become natural part of the Safety Manuals and Guides regarding Hygiene.

Read our attached case study: the life of Bernd Arents, patient with severe food allergy: Growing-up and living with severe food allergies – I don't want to be special, I just want to be safe

Attached: Case study: the life of Bernd Arents, patient with severe food allergy:

Growing-up and living with severe food allergies – I don't want to be special, I just want to be safe

*A personal story by Bernd Arents**

In the beginning, I was born in 1964, it was quite simple. When my parents recognised adverse reactions to milk and egg when I was two years old, those items were simply removed from my diet. It was also the days that food was simple, singular. So when there was spinach on the menu, there was a dish on the table with only spinach, no additives, one halve of it with pieces of egg on top of it, another half without, for me. Testing if I would still react was also simple. My mother just put some raw eggs white on my arm, and it would swell: still allergic. We repeated that several times during the years, until we gave up. I always reacted.

As a child I removed items from my diet by experience. One bonbon, crisp, Snicker's bar, nut or apple followed by itch in my throat, and I would never touch it again. I remember visiting my grandmother and accompanying her doing errands. At the butcher's I was offered a slice of sausage by the butcher. Of course I accepted – I was seven, I think – and I ate it with pleasure, only to find myself 100 meters further down the road throwing up. Never a slice of sausage again at the butcher's again!

I had many allergy tests done. I reacted to almost all samples in the test panel. Peanut, milk, nuts, apple, shell fish, crustaceans, house dust mite, animals, pollen, etc. - the standard bunch for many atopic people with eczema, like I have. But, food allergy was never a real problem in daily life. Food was simple then. Potato was potato. Crisps were crisps. Chocolate was still available without (traces) of (pea)nuts.

The only nuisance was how people reacted to my food allergies. Being small and quite svelte, as many children with atopic eczema are when they are kids, parents of class mates would never (want to) understand why I refused cake or certain snacks on birthdays or special occasions. "You are so thin, you could use some cake," some mother exclaimed once while pinching my thin arms.

When eating at friend's places, refusing food is often considered as being impolite, almost as an act of hostility towards the hostess. Then, in the sixties, food allergy was quite rare, especially in the rural countryside of Holland, and therefore poorly understood. You would have to be quite assertive to stand up for your health.

My first anaphylactic reaction happened when I was 21 years old and had dinner at a friend's house in Amsterdam. I was in Amsterdam for a ballet school audition. My friend had forgotten about my allergy and I ended up, without knowing, eating a pie with ground peanut. I felt strange after dinner, took an extra antihistamine and lay down for a while. After half an hour I felt bumps on my head. I felt weird. I asked a friend to take me to the hospital. When I walked down the stairs, three flights, I collapsed. I was treated properly at the nearby hospital and because of the high dose of corticosteroids they had administered, I felt great the next day. The audition went fine. I was accepted.

The next two severe reactions were not frightening. One was after eating bread with walnut in it, again without knowing. Just an intravenous dosage of antihistamine was enough to stop it. The other one was at work, at the Dutch National Opera. Just before the performance I had dinner there, as always. The chefs knew about my allergies. But, that day they forgot that there were peanuts in one of the meals. It took me a tiny bit to taste that it was wrong. Already in stage make-up I was driven to the hospital by the director, told the doorman of the emergency unit that I had a severe allergic reaction, got two intravenous shots immediately,

was driven back to the theatre and was on time to go on stage for the performance. Not my best, but I did it.

At that time – it was the nineties – I was equipped with an EpiPen and injectable antihistamine. I travelled everywhere I wanted to travel and have had no problems with my food allergies. It was not easy, but that did not withhold me. Luckily my milk allergy was not so bad, so traces would cause no problems, only discomfort. I intervened with injectable (into the muscle) antihistamine when once exposed to beer – yes, also allergic to that – and once when poisoned with egg in a disorganised restaurant in Amsterdam.

The fourth severe reaction was not like the other three at all. It was 1991. I was at a party in another town. At the party I took a deep fried snack that I thought I knew to be safe. Unfortunately it was not the variety I knew, but a new one, with peanut sauce. Just a little piece made me realise what was going on. I went to the toilet to throw up, and noticed in the mirror my face was already purple. I went to the front desk and asked for an ambulance. The emergency operator told me they would not come for an allergic reaction. By that time the asthma attack had started, bumps were forming all over my body and it was obvious that it went the wrong way. The desk clerk did not hesitate for one moment. He jumped over the desk, took me into his car, and drove me in 5 minutes to the nearest hospital. A friend accompanied me.

At the hospital I collapsed completely, 20 minutes after I took the snack. I could not talk anymore because my bronchi were completely constricted and I felt weak. The next three hours were a nightmare. They injected me with antihistamine and corticosteroids, and started treatment with epinephrine. Because of the severity of the reaction they injected one milligram epinephrine intravenously within seconds. At that moment your heart starts racing, you get a tremendous headache and start vomiting. After a couple of minutes I felt a bit better, but I could feel from within that the reaction had not stopped yet. After ten minutes I told them “it’s starting again,” and another milligram of epinephrine was injected. After six milligrams of epinephrine, equivalent of 20 EpiPens, and three hours later, they called in an anaesthesiologist to have me intubated to help me breathing. Although I was fighting for my life, I could hear him say that according to him it was too late to intubate, I would not survive this attack. Luckily I did. I was in intensive care till the next morning.

I left the hospital, where I had never been before, that morning at eleven, felt in very good spirits – again, the very nice side effects of high dose corticosteroids – asked for directions to the train station and went home.

Even after this traumatic incident, I kept travelling and eating out, always carefully instructing the staff of restaurants and hotels. It was not easy, but manageable. The most difficult one was a four day European conference on food allergy in a town outside Budapest, where breakfast, lunch and dinner was served as a buffet by Hungarian speaking people who did not know what was in the dish and/or could not properly communicate about it. And no hospital within miles from the venue. A medical doctor in my company would joke at every meal that he would be happy to inject me, if that would be necessary. Although I was happy that he would help me, the joke got old after two meals and still twelve meals to go. Four difficult days. During one of the lectures, I explained my situation. I spoke the words that were often repeated: “I don’t want to be special, I just want to be safe”. That sums it all up.

Since food allergy cannot be cured and the foodstuffs you are allergic to need to be avoided, food allergy is predominantly, at least for me, a disease that affects social life. In high school my fellow students would envy me, because, if I wanted to go home sick, all I had to do was eat a bit of egg! And although my friends would love to take my allergies into account when they invited me over for dinner, there is somewhat a guilty conscience that they have to do all that extra work for you. They do that lovingly, but still.

In work situations, having food allergy can be devastating. I will give three examples.

When I was a call centre manager working on an international account, my boss invited me to dinner with eight European marketing managers. We went to his favourite restaurant in Amsterdam. We were all having a drink, sitting in a circle by the fireplace, and my boss was welcoming everyone and told us he would treat us to his favourite appetiser: shrimp cocktail, a specialty of the house. I had to decline. The looks on the face of my boss I will never forget: how could I be as bold as to disturb the group process he wanted to initiate. I quickly excused myself, talked to the staff of the restaurant and explained the situation, and the rest of the evening went smoothly.

The annual Christmas party of another employer, a real event, was held at a castle and the dress code was black-tie. The room was set with 30 round tables, each sitting ten people. With the office manager I had already talked about the menu in the week before, so the evening would go smoothly. Although all attendees got a set menu, they had made a special menu for me. When the waiters came in with big plates with dishes for the first course, one waiter shouted "where is that man with the food allergies!". That was me. Apart from being embarrassed, the rest of the conversation at my table was about my food allergies, all night. For many people that seems to be very interesting, dying from peanuts. What was also annoying was that I had a different meal from the others, every course. "You have meat? Why? I would have like that as well! I don't like mushrooms." And the latter happened with every course.

Having dinner with clients on another occasion, things were slightly more bizarre. We were with a small company of six and the topic of the evening should have been a service level agreement between the clients and the company I worked for. I discretely informed the staff so everything would go smoothly. When the first course arrived, my plate was left empty. The rest of the company waited. A minute later a waiter came in and served me my first course. Only to be followed by the chef himself, shouting "this is the wrong dish!!!!," and aggressively taking the plate from the table, rushing back to the kitchen. After ten minutes the correct meal was served. This happened again with dessert. Needless to say, the main topic of the evening was not business, but my food allergies.

Like I said, it is difficult, living with food allergies. But I did not know then that things would change for the worse in 2003.

In 2003 I was diagnosed with a severe heart condition. Part of the treatment is taking medication of a class called beta-blockers. After 9 months on a beta-blocker, I got stomach and intestinal problems. Stomach aches, diarrhoea, and even blood in my stool. It was diagnosed as "food allergy, worsened by beta-blocker". Beta-blockers can increase allergies and unfortunately, because of the way they work, make treatment of anaphylaxis more difficult. The beta-blockers block receptors in the heart and in the lungs that are used by the epinephrine to coup the anaphylactic reaction.

Until then, I was able to tolerate cream in my coffee, cheeses (Dutch, but also mozzarella, like one pizza), yoghurts, mushrooms, green pepper, broccoli, spices, etc. But, those foodstuffs seemed to give an allergic reaction now as well. I had to change my diet. I even stopped the beta-blocker, but that did not give any relief, as was confirmed by a food provocation in a renowned allergy centre. I went back on a beta-blocker, because of medical reasons, a year later.

Knowing that an anaphylactic reaction could not be treated well while being on a beta-blocker, and knowing that my heart was in bad shape because of the heart condition, I developed an anxiety disorder: I avoided eating out altogether. I would get an instant panic attack if I would eat something that I was not completely, 200%, sure of. I had to avoid more, because even drinking black coffee out of an automated machine that had served the previous customer coffee with cream, would give a reaction.

Although I had cognitive behavioural therapy for this disorder, I still dare not go out eating. This also excludes travelling to hotels, since I have to be able to cook for myself. As a volunteer for the Dutch Association for People with Atopic Dermatitis, this makes participating in European advocacy activities impossible.

I am on a strict diet and I do well. But I am socially handicapped. Not many people know how disabling food allergy can be. If I was given the choice to have one of my many conditions and disease cured, I would choose my food allergy. Not being able to go out for dinner, not being able to go on vacation, not being able to attend international conferences, has a devastating impact on my quality of life.

And to top it all, if I would ever meet a person again I would have romantic feelings for and which would be reciprocated, I would have to ask before the first kiss if he had eaten anything I was allergic for. Because it would not be the first time that someone has died from anaphylactic shock after a simple, passionate kiss.

** Bernd Arents, 43, living in Amsterdam, is the current president of the Dutch Association for People with Atopic Dermatitis. He is a former volunteer of the European Association of Allergy and Airways Diseases Patients Organisations (EFA), former board member of the European Patients' Forum (EPF) and former board member Medical Affairs of the Dutch Hiv Association.*

*

From: EPHA Jo Jewell[SMTP:JO@EPHA.ORG]

Sent: Monday, March 15, 2010 xxxxxxxxx

To: CHATZIMARKAKIS Jorgo; DAVIES Chris; GERBRANDY Gerben-Jan; KRAHMER Holger; LEPAGE Corinne; NEWTON DUNN Bill; PANAYOTOV Vladko Todorov; PARVANOVA Antonyia; PAULSEN Marit; RIES Frédérique; ROHDE Jens; UGGIAS Giommaria; VALEAN Adina Ioana; CABRNOCH Milan; CALLANAN Martin; CEŠKOVÁ Andrea; CYMANSKI Tadeusz; GIRLING Julie; NICHOLSON James; OUZKY Miroslav; STEVENSON Struan; VAN DALEN Peter; YANNAKOUDAKIS Marina; BLOOM Godfrey; NUTTALL Paul; PAŠKA Jaroslav; ROSBACH Anna; ROSSI Oreste; SCOTTA' Giancarlo; ÁDER János; ANTONESCU Elena Oana; ARIAS ECHEVERRIA Pablo; AYUSO Pilar; BARTOLOZZI Paolo; BERLATO Sergio; DE LANGE Esther; DE VEYRAC Christine; DELVAUX Anne; FERNANDES José Manuel; FJELLNER Christofer; FLORENZ Karl-Heinz; FRANCO Gaston; GARDINI Elisabetta; GROSSETETE Francoise; GUTIERREZ-CORTINES Cristina; HERRANZ GARCIA Esther; HIBNER Jolanta Emilia; IACOLINO Salvatore; JORDAN CIZELJ Romana; JUVIN Philippe; KALINOWSKI Jaroslaw; KLASS Christa; LIESE Peter; LUKACIJEWSKA Elzbieta Katarzyna; McGUINNESS Mairead; MIKOLASIK Miroslav; MORKUNAITE Radvile; MUSCARDINI Cristiana; PETERLE Alojz; PIETIKÄINEN Sirpa; RIVELLINI Crescenzo; RONZULLI Licia; SCHNELLHARDT Horst; SCHNIEBER-JASTRAM Birgit; SEEGER Richard; SKYLAKAKIS Theodoros; SOMMER Renate; SONIK Boguslaw; SOULLIE Catherine; TATARELLA Salvatore; THEOCHAROUS Eleni; THYSSEN Marianne; ULMER Thomas; URUTCHEV Vladimir Andreev; WEISGERBER Anja; ZABORSKA Anna; BÉLIER Sandrine; EICKHOUT Bas; EVANS Jill; HARMS Rebecca; HASSI Satu; LUCAS Caroline; RIVASI Michèle; SCHLYTER Carl; STAES Bart; TREMOPOULOS Michail; DE BRÚN Bairbre; FERREIRA João; LIOTARD Kartika Tamara; MASTALKA Jiri; MATIAS Marisa; WILS Sabine; BALCZÓ Zoltán; GRIFFIN Nick; TANASESCU Claudiu Ciprian; VAN DER STOEP Daniël; ARSENIS Kriton; AYALA SENDER Inés; CHILDERS Nessa; CROCETTA Rosario; ESTRELA Edite; GARDIAZÁBAL RUBIAL Eider; GIerek Adam; GROOTE Matthias; HAUG Jutta; JØRGENSEN Dan; KADENBACH Karin; LEINEN Jo; MAVRONIKOLAS Kyriakos; MCAVAN Linda; MERKIES Judith A.; PALECKIS Justas Vincas; PARGNEAUX Gilles; PERELLO RODRIGUEZ Andres; PIRILLO Mario; PLUMB Rovana; POC Pavel; PRODI Vittorio; ROTH-BEHRENDT Dagmar; SARBU Daciana Octavia; SCICLUNA Edward; TABAJDI Csaba; ULVSKOG Marita; VAN BREMPT Kathleen; VERGNAUD Bernadette; VIGENIN Kristian; WESTLUND Asa; WILLMOTT Glenis

Cc: Luiza Bara

Subject: Food Information to Consumers- European Public Health Alliance Voting Recommendations
(including Consolidated Amendments)

Auto forwarded by a Rule

Dear Member of the Committee on Environment, Public Health and Food Safety,

In view of tomorrow's vote on the **proposed Regulation on "the provision of food information to consumers"**, the European Public Health Alliance (EPHA) calls on you to protect the public health interests of European citizens when voting on this file. In line with your mandate as a member of the EP committee with the competence for public health, EPHA urges you to consider the recommendations from the public health community carefully.

This proposed regulation is part of a comprehensive approach addressing obesity as well as a range of nutrition-related diseases such as cardiovascular disease, diabetes type 2 and cancer. An estimated **80% of heart disease, stroke and diabetes type II, and 40% of cancer could be avoided** if major risk factors were eliminated, including poor nutrition. In this context, nutrition labelling is a crucial element and is supported by the World Health Organisation as a strong tool aiding the implementation of nutrition education. A healthy Regulation would ensure that consumers have

clear, evidence-based information on all food products, including alcoholic beverages, and are able to make an easy choice between healthier and less healthy products.

In particular, EPHA would like to draw your attention to the following **consolidated amendments** that it supports: 6, 7, 8, 9, 10, 12.

Please see below for more detailed voting recommendations.

EPHA would like remind you of the following elements of key interest from a public health perspective:

Nutrition Labelling

The most important nutrients must be presented on the front of pack, as research shows this is in line with consumers' preferences. To guarantee a public health approach to labelling, EPHA recommends that **energy, saturated fats, sugar and salt** be included on the **front-of-pack label**. It is particularly important that these nutrients be highlighted as a reduction in their intake will significantly reduce the risk of cardiovascular disease and obesity. This will ensure that labelling provisions meet public health needs as well as consumer preference.

- Mandatory front-of-pack labelling for energy, saturated fats, sugar and salt

SUPPORT: 225, 231, 232, 384, 460, 462, 463, 470, 476, 478 and 575

The front-of-pack nutrition information should act as a guide to the complete nutrition declaration which appears on the back-of-pack. A full nutrition declaration on the back of pack should provide consumers with information covering the '**big eight**' (**energy, protein, carbohydrates, sugars, fibre, fat, saturated fats and salt**) plus trans fats.

- Mandatory back-of-pack nutrition declaration for the big eight (energy, protein, carbohydrates, sugars, fibre, fat, saturated fats and salt) plus trans fats

SUPPORT: 379, 400, 402, 406, 441

Independent, international research has provided convincing evidence to suggest that consumers find the **multiple colour coding 'traffic light system'** the easiest to understand. This makes it clear to consumers whether a product contains low, medium or high levels of a certain nutrient, and helps them to make choices both within and across food categories. This system is implementable (several retailers in the UK, Spain and Portugal have already introduced them on their own brand products) and consumers do not misinterpret the information.

The traffic light system would be particularly useful on **convenience foods**, as this is where consumers have the most difficulty identifying healthier options.

EPHA supports a mandatory, harmonised colour coding scheme.

- Interpretative element (multiple colour coding 'traffic light') on the front of pack

SUPPORT: 234, 235, 236, 431, 439, 470

- Various amendments to the mandatory particulars for nutrition labelling

REJECT: 139, 140, 380, 381, 382, 385, 386, 387, 388, 389, 390, 403, 404, 405, 407, 411, 53, 138, 144, 152, 153, 155, 156, 157, 159, 160, and 453

Per 100g/ 100ml and on a per portion basis

In order for nutrient labels to serve their purpose of informing the consumer and to allow for comparisons and choice between products, nutrition information per portion should only be given in addition to (not as a substitute for) information per 100g or per 100ml. We would be strongly opposed to making per 100g/100ml optional or deleting them completely. Moreover, as portions sizes vary from one consumer to another, and from one product to another, it would be difficult to provide consumers with standardised information.

SUPPORT: 419, 422, 445

REJECT: 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 432, 433, 434, 435, 436, 438, 454, 457, 570, 571, 574, 446, and 447

Reference Values

The reference values which are laid down by the Commission in Annex XI part B need to be reviewed in the light of international recommendations (in particular WHO recommendations) and EFSA's recent opinion on Dietary References Values. Please therefore support the amendments that will rectify this.

SUPPORT: 440 and 573

Legibility

EPHA welcomes amendments which lay down a minimum font size of **1.2mm x-height** and details **mandatory elements** that shall be taken into account for ensuring legibility.

SUPPORT: 326 and 330

REJECT: 93 and 323

Alcohol

Alcoholic beverages contain high levels of calories and carbohydrates which can hamper efforts to promote good nutrition and reduce obesity in Europe. It is therefore vital that consumers are informed on the ingredients used in the production of beer, wine and spirits. Recital 27 states that alcoholic mixed beverages should provide information on their ingredients with a view to allowing the consumer to make an informed choice; we highlight the need to extend this to **all alcoholic beverages**. It is also appropriate to ensure that information on the **energy and carbohydrate content** of alcoholic beverages is provided through mandatory nutrition labelling.

SUPPORT: 209, 227, 212, 229, 365 and 391

Nutrient Profiles

EPHA would urge you to vote against the following amendments:

Amendment 162, which deletes Article 4 of the Health and Nutrition Claims Regulation (2007) and the legal basis for establishing **nutrient profiles**. The principle of establishing nutrient profiles for food is a pre-condition for the regulating health and nutrition claims placed on food and

drink products. Misleading claims as to the healthy profile of a product should not be permitted as a marketing technique. In this context, the Health and Nutrition Claims Regulation will not be able to fulfill its full purpose without nutrient profiles.

REJECT: 162

Yours Sincerely,

Jo Jewell
Coordinator: Health Promotion and Disease Prevention,
European Public Health Alliance
49-51 Rue de Treves,
1040 Brussels,
Tel: +32 2 233 3885
Fax: +32 2 233 3880

EPHA is the European Platform bringing together public health organisations representing professional groups, patients, health promotion and disease specific NGOs, and other health associations.

From: GEBHARDT Evelyne
Sent: Monday, March 15, 2010 xxxxxxxx
To: MEP 7th-Legislature
Subject: Regulation "food information to consumers" - traffic light discussion
Auto forwarded by a Rule

Dear Members,

on behalf of Evelyne Gebhardt, please find enclosed a letter from an alliance of several German associations concerning nutrition labeling and the regulation on the provision of food information to consumers.

Kind regards,
Anna Niemann

Office of Evelyne Gebhardt
European Parliament

<<Ampel-brief Ärzte english.doc>>

1 February 2010

Regulation of the European Parliament and of the Council on the provision of food information to consumers COM(2008) 40 final

Dear Members of the European Parliament,

This year a decision concerning the regulation on the provision of food information to consumers is pending. The alliance of the undersigned associations is asking you to advocate in this discussion for comprehensible and consumer-friendly nutritional labelling. In our view, this means:

1. The labelling must give information about the **energy value** (calories) as well as the **nutritional components** fat, saturated fats, sugar and salt and these must be clearly visible **on the front of the package**.
2. The labelling must act as an **aid in decision-making** that can be **easily understood** when choosing among foods. Information about the percentage of components contained should be connected to a coloured background, i.e., in the form of a “**nutritional traffic light**”. Red stands for a high, yellow for a medium, and green for a small amount. The nutritional evaluation of the individual components must be based on the findings of independent scientists.
3. This information should be supplemented with a more extensive table of nutritional values including the so-called “**Big Eight**” (calories, protein, carbohydrates, sugar, fat, saturated fats, fibre and sodium/salt) on the **back of the package**.
4. The nutritional labelling should be made **mandatory throughout Europe** on account of the increasing globalization of the food market.

Background information

In Germany, two of every three men and every second woman are overweight or obese.¹ In addition, there are about 1.9 million overweight children and youth, with 800,000 of them obese.² Overweight and obesity are not just frequent; they have become significantly more frequent in recent years. They pose significant, but also avoidable risk factors for chronic diseases such as diabetes, heart and circulatory diseases and premature joint deterioration (osteoarthritis). The German Institute of Human Nutrition (DIfE) assumes that a body mass index under 30 reduces the risk for chronic disease by more than half.³

This applies particularly to type 2 diabetes, one of the most prevalent diseases in Germany, and from an economic standpoint, one of the most expensive chronic ailments. The direct costs of diabetic patients in 2001 ran to 30.6 billion euros and thus represented almost 15 percent of national health expenditures.⁴

In view of the predicted rise in prevalence of diabetes of approximately 50 percent between 2000 and 2030, a massive increase in costs can be expected.⁵

In total, the cost incurred by nutritionally caused disease has been estimated in Germany to be about 70 billion euros per year.⁶ Poor nutrition and overweight bear a major responsibility for heart and circulatory diseases, still the number one cause of death in Germany. For example, approximately 80 percent of men and 76 percent of women in Germany exceed the recommended amount of fat intake.⁷ This involves not just fat in the form of butter, margarine or oil, but above all hidden fats in foods such as sausage, meat, cheese, baked goods or sweets. It has also been scientifically proven that overweight children already have a higher risk of vessel-damaging arteriosclerosis and therefore of later suffering from a heart and circulatory disease.⁸ The national consumption study shows a connection between nutritional behaviour and level of education. Thus women and men with a lower level of education and lower income eat fewer foods with beneficial nutritional composition and more food high in fat and sugar content than people with higher levels of education and income. For example, soft drinks: consumption varies three to fourfold according to social level.⁹ A balanced, healthy diet is an important part of preventing overweight. An indispensable part of this is understandable nutritional labelling. Nutritional information should provide all people, regardless of their background and social position, with a clear orientation on the composition of each food product with respect to a healthy diet.

Arguments for traffic light labelling

■ **Clarity for consumers:** The broad evaluation commissioned by the British Food Standards Agency of various nutritional labelling systems in Britain showed that **labelling systems with traffic light colours are the easiest for consumers to understand.** This study included, in addition to wide consumer surveys (once with 1,600 and once with nearly 3,000 participants), qualitative investigation. Researchers accompanied shoppers, observed buying behaviour and looked into customers' shopping bags after purchases were made. Two labelling systems yielded the best results: a combination of text ("high" / "medium" / "low") and traffic light colours (red / yellow / green) and a combination of text, traffic light colours and GDA information. The GDA information without coloured labels yielded poor results.

Other studies also showed that consumers have difficulties with the GDA labelling. For example, the differing portion sizes even within particular food categories result in consumers not being able to determine, by direct comparison using the GDA values, which product actually contains more sugar, fat or salt.¹⁰

■ **Consumers have endorsed traffic light labelling.** Here are a few examples from Germany.

In a representative Emnid poll in July 2009, 69 percent of those questioned requested the federal government to commit to nutritional information with the traffic light system.¹¹

In a poll commissioned by the Ministry of Food, Agriculture and Consumer Protection, the majority of those questioned said they would be guided by a coloured display of nutritional information when shopping.¹²

In consumer monitoring undertaken by the Berlin Senate administration in December 2009, traffic light labelling occupied third place on the wish list of consumers for additional information about food (after information about additives and nutritional values). In addition, 57 percent of those questioned said that simple nutritional labelling with a traffic light or a kind of official stamp of approval would be helpful for them when shopping.¹³

There have been similar results in other European countries.

We therefore request you to advocate this kind of traffic light labelling for food in the framework of the discussion about the food information regulation in the European Parliament. In case the food information regulation does not make **traffic light labeling mandatory** for all of Europe, we find it absolutely necessary that **this kind of labeling** is possible on a national level.

Sincerely yours,

(signed)
Juergen Graalmann
Chairman of the Board
AOK National Association

(signed)
Dr. Wolfram Hartmann
President, Professional Association
of Paediatricians in Germany (BVKJ)

(signed)
Prof. Joerg-Dietrich Hoppe
President, German
Medical Association

(signed)
Prof. Hans-Juergen Becker
Chairman of the Board
German Heart Foundation

(signed)
Dr. Dietrich Garlichs
CEO, diabetesDE

(signed)
K.-Dieter Voss
Member of the Board of Directors
Association of Public Health Insurers

signed)
Gerd Billen
Member of the Board of Directors
Federation of German Consumer Organizations (vzbv)

From: BEUC - The European Consumers' Organisation[SMTP:PRESS@BEUC.EU]
Sent: Tuesday, March 16, 2010 xxxxxxxxx
Subject: Food labelling: another missed opportunity for healthier choices
Auto forwarded by a Rule



The European Consumers' Organisation

COMMUNIQUE DE PRESSE
PRESS RELEASE

Contact: **Dave McCullough - +32 (0)2 789 24 01**
Date: **16/03/2010**
Reference: **PR 002/2010**

Food labelling: another missed opportunity for healthier choices

European consumers and public health in general were dealt a severe blow today when MEPs voted not to proceed with establishing a European wide colour coding system for food labelling. European consumer groups, based on extensive research, had sought to amend the European Commission's proposals on Food & Indication of Ingredients in Foodstuffs, to establish as mandatory a system whereby 4 key nutrients (fat, saturated fat, sugar and salt) would be colour coded on the front of pack according to their levels, and on the back of pack a more comprehensive label where 8 nutrients would be listed, according to their levels. MEPs did at least vote to include mandatory country of origin labelling.

Monique Goyens, Director General of BEUC, the European Consumers' Organisation, commented:

"Research from across Europe has told us that consumers find colour coding the easiest and simplest way to make informed and healthy choices. When we clearly have an obesity epidemic spreading across Europe, and when consumers clearly want to make healthier choices about their diet, we really should give them the tools that work best and which they want."

"Today's vote in the European Parliament is hugely disappointing. MEPs have missed the opportunity to make healthy food more accessible. We fear that the fight against childhood obesity, in particular, has taken a serious blow today. Parents more than anyone are the people who don't have the time to check detailed and complex information currently found on many food products. All we ask is that we have a clear, transparent system in place where all shoppers can make at a glance comparisons between various foods." ENDS

BEUC, the European Consumers' Organisation
+32 2 789 24 01 - press@beuc.eu
Want to know more about BEUC? Visit www.beuc.eu

Coca-Cola European Union Group

Food labeling – Basic elements for discussion (June 2008)

I. What is the learning so far from implementing the GDA labeling scheme?

- The GDA scheme was introduced by food companies, following an industry commitment within the EU platform for diet and healthy lifestyle.
- Coca-Cola implemented the GDA scheme for all core brands and across the EU, with 100% implementation by the end of 2008.
- Other producers and retailers have rolled out the GDA scheme, covering 60% of key food categories sold in the EU (like soft drinks, cereals, soups, confectionary).
- The roll out of the GDA scheme was accompanied by wide-scale consumer education campaigns: "Look at the outside to know what is inside".
- The GDA scheme is proving to be an effective consumer education tool, as indicated by consumer surveys. Further surveys have been co-developed with third parties through the European Food Information Council (EUFIC), and results are expected by the end of 2008.
- The GDA scheme is being more and more applied by catering and restaurant business.

II. Are traffic light schemes enhancing or diluting the consumer education effort?

- The GDA scheme is criticized as too complicated with color coding presented as the solution. Consumers would understand traffic lights as strong "stop!" or "go!" signals.
- Color coding is over-simplifying. It classifies food into "good" and "bad" products and does not take into account the amount of product consumed or the portion size of consumption. However, portion sizes and moderation are the critical issues for a healthy, balanced diet.
- Color coding gives the consumer false assurances. A diet based upon products with green lights would lead to chronic nutritional deficiencies.
- Color coding opens up the door to arbitrary, non-science based decisions, with calls for products with legally approved ingredients (as sweeteners, additives) to be excluded from green lights.
- The combination of GDA with color coding in a "hybrid system" strongly dilutes the educational effect of the GDA scheme: traffic lights would simply "push aside" the nutritional information of the GDA scheme. A hybrid system also leads to confusion for consumers: products with the same GDA levels could have different color codes and products with widely divergent GDA levels could carry the same color code.

III. How can the consumer education effort be further enhanced?

- Rather than creating confusion or diluting the current education effort, regulators should think about how, in a collaborative effort with producers and retailers, to give further momentum and scale to the biggest consumer education effort ever.
- Coca-Cola and industry partners are open to recommendations and suggestions on how to further scale and upgrade the GDA-based consumer education programs.
- Specific attention must be paid to off-pack information campaigns as on-shelf, at point-of-sale and through internet.
- Specific attention must be paid to certain socio-economic and demographic groups (e.g. developing specific GDA values and visual expression for children).

IV. Other concerns

- "Voluntary" national schemes will infringe the free movement of goods with EU.
- All sources of nutrients, incl. all beverages, should be included into nutritional labeling schemes.

Contact: Dr. Nikolaus Tacke, European Union Affairs Manager · Tel. +32 (0)2 559.22.42 · email ntacke@eur.co.com

S.A. Coca-Cola Services N.V.
BIC Bruxelles: 621.152 - T.V.A/B.I.W./BE 0462.525.791 - R.P.M/R.P.R BE0462525791
Bank of America 555-6341012-03 - IBAN Code BE 98 9856 3410 1293