



8 October 2020

## VOTING RECOMMENDATION

**We call on Members of the European Parliament to request a separate vote on and reject Amendments 165 and 171. These amendments would strongly hamper the further development of innovative, plant-based foods that have a key role to play in enabling citizens to make healthier and more sustainable food choices.**

Dear Member of the European Parliament,

**Re: Views on the Proposal for a Regulation amending Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products ahead of the EP plenary vote**

We write to you ahead of the vote in the European Parliament plenary of 19-22 October on the Proposal for a Regulation amending Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products ("Regulation 1308/2013"). This vote will

be an important step in the ongoing reform and modernisation of the common agriculture policy ("CAP") for the future<sup>1</sup>.

More than a year has passed since the Committee on Agriculture and Rural Development adopted the Report ("AGRI Report") prepared by Mr Eric Andrieu on 7 May 2019. During this time, both the European Commission and European Parliament have given more urgent attention to action against climate change and we have also seen the launch of the Farm to Fork Strategy. While we recognise all the hard work that has gone into drafting the AGRI Report, we nevertheless have serious concerns regarding two amendments included in that report, which are disproportionate and out of step with the current climate.

In particular, Amendment 165 would reserve the use of terms such as "steak", "sausage" or "burger" exclusively for products that contain meat, while Amendment 171 – prohibiting any reference to dairy terms, e.g. "creamy", "dairy free alternative milk". These amendments:

- Go against growing consumer interest in alternatives to animal-based products for health, environmental and dietary reasons<sup>2</sup>. These amendments fail to recognise the evolution of consumers' understanding in relation to the plant-based foods. While Regulation 1308/2013 is no longer fit for purpose and needs to be revised, amendments 165 and 171 threaten to create consumer confusion;
- Contradict the Farm to Fork strategy which recognises the need for European consumers to move towards a plant-based diet;
- Will distort competition on the EU food market through unjustified barriers to business development and innovation;
- Will have a negative impact on the plant-based food value chain, being an important global growth engine, offering opportunities to EU farmers and to the EU food industry;
- Are contrary to efforts to create a green architecture for a future CAP that will play a fundamental role in supporting climate change action and promoting healthy, sustainable and plant-based diets for over 500 million consumers.

We firmly believe that it is in the general interest of consumers, industry and society as a whole, to facilitate access to plant-based foods, while ensuring that the description and presentation of these products is clear, transparent and unambiguous.

### **Amendment 165: in breach of principle of proportionality**

At present, Regulation 1308/2013 contains no provision that reserves the use of terms such as "steak", "sausage", "escalope", "burger" or "hamburger" exclusively for products that contain meat. However, the adoption of Amendment 165 would mean that it is not possible to use such terms for describing products that have been developed and formulated as vegetarian or vegan alternatives to meat products. This ignores the descriptive purpose of such terms that convey the form, function and flavour of foods. In fact, the use of such terms for non-meat products

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<sup>1</sup> The European Commission proposed a regulation "amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands" (COM(2018)0394).

<sup>2</sup> '[One bite at a time: Consumers and the transition to sustainable food](#)', Analysis of a survey of European consumers on attitudes towards sustainable food, BEUC, June 2020.

supports consumers in making informed choices while at the same time clearly indicating that the product does not contain any meat.

This restrictive measure proposed in the original version of Amendment 165 (from the 2019 AGRI report) is also in breach of the principle of proportionality. According to the Treaty on the Functioning of the European Union (Protocol n°2), measures adopted by EU institutions should not exceed the limits of what is appropriate and necessary in order to attain the objectives pursued by the legislation in question; where there is a choice between several measures, the least onerous should be chosen and the resulting disadvantages must not be disproportionate to the aims pursued.<sup>3</sup> Amendment 165 adds a provision that is disproportionate relative to the issue at hand.

### **Amendment 171: contrary to evolution in consumer demand**

Regulation 1308/2013 contains provisions on the exclusive reservation of commonly used names for milk and milk products, namely Article 78 of the Regulation, read in conjunction with Part III of Annex VII of Regulation 1308/2013 (Milk and Milk Products). These provisions reserve the use of terms such as "milk", "cheese", "yoghurt", "butter" or "whey" exclusively to products that contain dairy "milk".

The AGRI Report proposes Amendment 171, which would further limit the use of dairy-related terms and product designations by imposing broadly-formulated restrictions prohibiting all references to dairy terms in commercial communications on plant-based foods (e.g. "creamy", "yoghurt style", "dairy free alternative milk").

In this context, it is important to note that these terms have a descriptive purpose that conveys the form, function and flavour of foods. The additional restrictive measure in Amendment 171 is not only contrary to the evolution in consumer demand –as explained above-, but is again in breach of the principle of proportionality. In reality, the use of such terms for the designation of non-dairy products supports consumers in making informed choices, while at the same time clearly indicating that the product does not contain any component of dairy origin. Imposing further restrictions to the use of such terms would constitute undue additional barriers to the expansion and development of innovative segments of the food industry in the European Union.

We call on your support to ensure that the final Report adopted by the European Parliament will align with the goal of the Farm to Fork Strategy to increase production of plant-based foods within the EU, and contribute to the efforts of EU institutions to combat climate change.

The text of amendments 165 and 171 that you will be voting on is in annex to this letter.

Signed by:

- 5oby40 | Contact person: Mr. Lasse Bruun, Executive Director
- ASSITOL | Contact person: Ms. Carlotta Trucillo, Legal Area
- BA Foods IKEA | Contact person: Ms. Francesca Lotta, Regulatory and Product Compliance Manager Business Area Food, Ikea of Sweden and Ms. Roberta Dessi, Director of Regulatory Affairs, Ikea of Sweden

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<sup>3</sup> See judgments of 16 December 1999, UDL, C-101/98, EU:C:1999:615, paragraph 30, and of 17 March 2011, AJD Tuna, C-221/09, EU:C:2011:153, paragraph 79 and the case-law cited.

- Better Nature | Contact person: Mr. Christopher Kong, Co-founder and Head of Business Development
- Beyond Meat | Contact person: Mr. Bram Meijer, Regional Marketing Director EMEA
- Brige2Food | Contact person: Mr. Gerard Klein Essink, Founder & CEO
- Compassion in World Farming | Contact person: Ms. Olga Kikou, Head of EU office
- Danish Plant-Based Food Organisation – Plante Branchen | Contact person: Mr. Frederik Madsen, Director
- European Alliance for Plant-based Foods, EAPF | Contact person: Ms. Siska Pottie, Secretary General
- European Medical Association, EMA | Contact person: Dr. Vincenzo Costigliola, President
- European Plant-Based Food Association, ENSA | Contact person: Ms. Vinciane Patelou, Secretary General
- European Vegetarian Union | Contact person: Mr. Felix Hnat, President
- EUVEPRO | Contact person: Ms. Nuria Moreno, Secretary General
- The Good Food Institute Europe | Contact person: Mr. Alexander Holst, Policy Manager
- Green Food Lab | Contact person: Mr. Isabel Boerdam, Founder
- Green Protein Alliance | Contact person: Mr. Jeroen H.A. Willemsen, MSc, Founder
- Heura | Contact person: Mr. Bernat Añaños Martinez, Co-Founder
- Humane Society International/Europe, HSI Europe | Contact person: Dr. Joanna Swabe, Senior Director of Public Affairs
- IMACE, European Margarine Association | Contact person: Ms. Siska Pottie, Secretary General
- Meatless Farm | Contact person: Mr. Michael Mouwen, Sales Director Europe
- Mushlabs | Contact person: Dr. Guido Albanese, Chief Operating Officer
- Nova Meat | Contact person: Mr. Giuseppe Scionti, CEO
- Oatly | Contact person: Ms. Cecilia McAleavey, Director Sustainable Eating and Public Affairs
- Planted. | Contact person: Mr. Lukas Böni, Co-Founder
- Proveg International | Jasmijn de Boo, Vice-President
- Roquette | Contact person: Ms. Marie-Laure Empinet, Public Affairs Senior Manager Global Public Affairs
- Seamore | Contact person: Mr. Willem Sodderland, Founder
- Slovenske Zdruzenie pre Znackove Vyroby (Slovak Brand Goods Association) | Contact person: Mr. L'ubomír Tuchscher, CEO
- Swing Kitchen | Contact person: Dr. Elmar Völkl, Franchise Manager

- Upfield | Contact person: Dr. Jeanette Fielding, Chief Corporate Affairs and Communications Officer
- Unilever | Contact person: Ms. Julie Paquay, Deputy Head of External Affairs Europe
- Växtbaserat Sverige | Contact person: Ms. Cecilia McAleavey, President
- Vegane Gesellschaft Österreich | Contact person: Mr. Felix Hnat, President
- Vegini | Contact person: Mr. Andreas Gebhart, CEO & Founder
- VIVERA BV | Contact person: Mr. Willem van Weede, CEO
- World Animal Protection | Contact person: Mr. Dirk-Jan Verdonk, Director

For more information about this joint action, please contact: Siska Pottie, Secretary General of the European Alliance for Plant-based Foods (EAPF), [info@plantbasedfoodalliance.eu](mailto:info@plantbasedfoodalliance.eu), +32 2 786 30 42.

## **ANNEX – TEXT OF THE AMENDMENTS**

### **Amendment 165 (EP AGRI Report, May 2019)**

*“(31e) In Annex VII, the following part is inserted:*

*"PART I a Meat, meat products and meat preparations*

*For the purposes of this Part of this Annex, “meat” means the edible parts of the animals as referred to in points 1.2 to 1.8 of Annex I of the Regulation (EC) No 853/2004, including blood.*

*The meat-related terms and names that fall under Article 17 of Regulation (EU) No 1169/2011 and that are currently used for meat and meat cuts shall be reserved exclusively for edible parts of the animals.*

*“Meat preparations” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes that do not alter the internal muscle fibre structure of the meat enough for the characteristics of fresh meat to be eliminated.*

*“Meat products” means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat.*

*Names that fall under Article 17 of Regulation (EU) No 1169/2011 that are currently used for meat products and meat preparations shall be reserved exclusively for products containing meat. These designations include, for example:*

- Steak*
- Sausage*
- Escalope*
- Burger*
- Hamburger*

*Poultry products and cuts defined in Regulation (EU) No 543/2008, which lays down detailed rules for the application of Council Regulation (EU) No 1234/2007 as regards the marketing standards for poultry meat, shall be reserved exclusively for edible parts of the animals and products containing poultry meat."*

## **Amendment 171**

*“(32a) In Part III of Annex VII, point 5 is replaced by the following:*

*5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.*

*Those designations shall also be protected from:*

*(a) any direct or indirect commercial use of the designation;*

*(i) for comparable products or products presented as capable of being substituted not complying with the corresponding definition;*

*(ii) in so far as such use exploits the reputation associated with the designation;*

*(b) any misuse, imitation or evocation, even if the composition or true nature of the product or service is indicated or accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation”, “flavour”, “substitute”, “like” or similar;*

*(c) any other commercial indication or practice likely to mislead the consumer as to the product’s true nature or composition.*

*However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.”*