



28 August 2020

Dear Member of the European Parliament,

Re: Views on the current negotiations between the rapporteurs and voting recommendations ahead of the plenary vote on the Proposal for a Regulation amending Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products

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 on-going reform and modernisation of the common agriculture policy ("CAP") for the future¹.

¹ 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

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 we consider to be disproportionate and out of step with the current climate. In particular, Amendments 165 and 171 contradict elements of the Farm to Fork strategy which aims in particular to increase production of plant-based foods within the EU and promote more plant-based diets to European consumers, to the benefit of health and the environment.

Furthermore, amendments 165 and 171 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. 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 fundamentally revised, amendments 165 and 171 fail to provide for the change that is needed, and indeed oppose such a change.

European dietary patterns have changed significantly in recent years² and many citizens have made positive decisions to choose foods that are not only respectful to the environment but constitute healthier choices for themselves and their families. 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 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 Amendment 165 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

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).

² Willett, W., Rockstrom, J., Loken, B., et al. (2019). Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems. *The Lancet*, 393(10170), 447–492. Wynes, S. & Nicholas, K.A. (2017). The climate mitigation gap: education and government recommendations miss the most effective individual actions. *Environmental Research Letters*, 12(7), 074024.

resulting disadvantages must not be disproportionate to the aims pursued.³ 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.

In this context, it is important to note that the aforementioned 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 actually 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.

VOTING RECOMMENDATION

We call on Members of the European Parliament to reject Amendments 165 and 171 which 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.

In the event that a sensible compromise could already be found at the level of the rapporteurs' meeting before the CMO file moves to plenary, and mindful of the need to respect the principle of proportionality, we would also request your support for a change to Amendment 165 (see Annex 1). This new version of Amendment 165 reinforces the ability of consumers to make informed choices, while clearly indicating that the product does not contain any meat.

As mentioned above, we are counting on your support to reject Amendment 171 in plenary. At your convenience, we would also be happy to exchange our views with you for a new amendment to Regulation 1308/2013 that could promote the objective of enabling European consumers to make healthier and more sustainable food choices, and at the same time be consistent with the objectives of the Farm to Fork strategy.

³ 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.

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.

Signed by

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- EUVEPRO | Contact person: Ms. Nuria Moreno, Secretary General
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- Green Food Lab | Contact person: Mr. Isabel Boerdam, Founder
- Green Protein Alliance | Contact person: Mr. Jeroen H.A. Willemsen, MSc, Founder
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- Vegane Gesellschaft Österreich | Contact person: Mr. Felix Hnat, President
- Veganuary | Contact person: Ms. Toni Vernelli, Head of Communications and Marketing
- Verein gegen Tierfabriken | Contact person: Mr. Martin Balluch, CEO
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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, +32 2 786 30 42

**ANNEX I: ALTERNATIVE AMENDMENT 165 [AS PROPOSED BY THE GUE
POLITICAL GROUP IN THE AGRI COMMITTEE]**

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

"PART I a

Meat, meat products and meat preparations

For the purposes of this Part, "meat" means the edible parts of the animals as referred to in points 1.2 to 1.8 of Annex I to [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, **unless qualified by terms that clearly indicate the product does not include edible parts of 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 and that are currently used for meat products and meat preparations **shall be reserved exclusively for products and preparations containing meat, unless qualified by terms that clearly indicate that the foods in question do not contain meat.***

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 for edible parts of the animals unless the names are qualified by terms that clearly indicate that the food in question does not contain edible parts of animals. This should also apply to products and preparations containing poultry meat, unless qualified by terms that clearly indicate that the products do not include edible parts of birds or do not contain poultry meat.

*Such qualified terms indicating clearly that **foods, preparations, and products referred to in the previous subparagraphs do not contain edible parts of animals or meat may include, for example, "plant-based", "meat-free", "vegan", "vegetarian" or "veggie".***