

Your Voice In Europe: ROADMAP feedback for Evaluation of the Regulation on nutrition and health claims

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Related document: Evaluation of the Regulation on nutrition and health claims

Feedback:

Dear Sir or Madam,

We refer to the Evaluation and Fitness Check Roadmap concerning the "Evaluation of regulation (EC) No. 1924/2006 on nutrition and health claims made on food with regard to nutrient profiles" from October 2015. We thank you for the opportunity to comment and thus want to make the following statement:

The Regulation (EC) No 1924/2006 calls in Article 4 for nutrient profiles, to be set by the Commission by 19 January 2009. However, this date has already been passed and it is doubtful whether the need for nutrient profiles is still valid, as in meantime, mandatory rules on nutrition information for all foods were introduced by the Regulation (EU) No 1169/2011 of 25 October 2011, on the provision of food information to consumers.

Therefore, basically we appreciate the critical examination of the meaning of nutrient profiles by the European Commission. In the light of this new Regulation, which came into force on 13 December 2014, it is incomprehensible how consumers would be better informed if there would be nutrient profiles for typical food, in addition to the mandatory nutrition labeling of the Food Information Regulation (FIC Regulation). The new provisions are accurate and specific to every food. This must leave the consumer in no doubt as to the significance of the food in his/her diet, since it provides product transparency - in respect of energy, nutrient content of carbohydrates, sugar, fat, saturated fatty acids, protein and salt - to a high degree. As a result, there is no need for nutrient profiles, which were created in a time, in which the FIC Regulation was not yet existed.

Anyway, the answer to this expanding trend in eating habits is persuasion rather than regulation. We like to echo the EFSA position of 2008 (Request N EFSA-Q-2007-058) that there are no healthy and unhealthy food there is only an unhealthy diet.

Furthermore, especially nutrient profiles do not take the food intake amounts into account and are therefore not suitable in combating overweight. Quite the contrary, the classification of nutrient profiles in "good" or "bad" food, gives not an objective basis for decision and misleads the consumer. Even later on it will result in many other complications as sanctions, taxes and subsidies; however, it will also concern the great variety of food in the European Union. Nutrient profiles will especially incriminate small and medium sized enterprises (SMEs) - as our members of the bakers and confectioners craft - and thus weaken Europe's economics and stigmatize traditional products.

Ultimately nutrient profiles also violate prior-ranking European Union Law and should therefore be rejected. This regulation encroaches on the freedom to conduct a business, the freedom of the business operator and the consumer of information, and on several constellations regarding the right to property. This restriction cannot be justified due to consumer health protection.

This is the conclusion of an approval certificate by Prof. Dr. Wolfgang Voit, Spokesman of the Research Institute for European and German Food and Feed Law at the Philipps University of Marburg, in the end of 2011. Also Prof. Dr. Alfred Hagenmeyer, lawyer, (Meyer Rechtsanwälte/Munich) reasoned in his essay from 2012, that indeed the advertising ban of nutrient profiles is not consistent with Art. 11 of the European Charter of Fundamental Rights (read in conjunction with Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) and in this respect violates the European Union Law.

Please find enclosed to our entry, the approval certificate of Prof. Dr. Voit as well as the essay of Prof. Dr. Hagenmeyer.

Dear Sir or Madam, due to all these reasons, we suggest, also including the compatibility of nutrient profiles with the prior-ranking European Union Law in the evaluation. We believe that - in addition to the reasons given above - nutrient profiles should be rejected due to a lack of conformity with European Law.

Should you have any questions concerning this topic, we are at your disposal anytime.

Yours faithfully



German Bakers Confederation