



6 March 2020

To the attentions of:

Executive Vice-President Frans Timmermans
Commissioner Stella Kyriakides
Commissioner Janusz Wojciechowski
Commissioner Thierry Breton
Commissioner Phil Hogan
Commissioner Virginijus Sinkevičius

Re: Concerns regarding the possible setting up of nutrient profiles at EU level

Dear Commissioner Wojciechowski,

The signatory organisations below represent the European sugar, meat and dairy sectors associations (CEFS, Clitravi and EDA), the European association acting as the voice of European farmers and agri-cooperatives (Copa-Cogeca), the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), the association of crafts and SMEs in Europe (SMEunited), and the Italian food and drink federation (Federalimentare). We sent a similar letter in April 2018 and are addressing it now to you, in your quality of Commissioner for Agriculture.

We are jointly writing to you concerning the follow-up on the external study on the fitness-check of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods (hereinafter "Claims Regulation") as part of the European Commission's Better Regulation Agenda.

In the context of the awaited European Commission staff working document on the topic, we would like to reiterate our concerns on the setting up of nutrient profiles at EU level.

In its Scientific Opinion of February 2008, EFSA indicated that "*[t]here are limitations in the use of nutrient profiles based on the composition of foods as purchased to classify foods as eligible to bear claims. There is an inherent difficulty in seeking to apply to individual food products nutrient intake recommendations that are established for the overall diet*", notably because they do "*not take into account changes in nutrient content that occur during cooking or preparation*".¹

Nutrient profiles are a tool to classify foods according to their composition in only certain nutrients, without taking into account the foods' overall nutritional contribution or the nutrients' consumption in the overall diet.

¹ EFSA Scientific Opinion on the setting of nutrient profiles for foods bearing nutrition and health claims pursuant to Article 4 of the Regulation (EC) No 1924/2006, The EFSA Journal (2008) 644, 1-44.

Nutrient profiles distinguish between “good” or “bad” food products in a very simplistic manner. Indeed, they disregard the fact that balanced and healthy diets depend on how foods are combined and the frequency of consumption, according to the habits and traditions of the various countries.

Nutrient profiles would lead to unjustified distinctions between nutrients that have similar physiological impacts, and would thus encourage unhelpful or questionable reformulation practices. This would enable certain products to bear claims while others cannot, despite their similar impact on health.

Criteria set by nutrient profiles could be particularly challenging for some food categories, which may struggle to reformulate their composition. This is the case for many natural food products which contain naturally a variety of nutrients (including fat, salt or sugars) and are also essential contributors of protein, vitamins and minerals, such as calcium and iron. This is also the case for traditional products bearing quality labels (PDO, PGI, TSG).

There is a potential risk that nutrient profiles – instead of being used in the context of the Claims Regulation only – could be used by Member States to justify additional discriminatory measures against those foods that do not meet the criteria (in the form of food taxes or advertising restrictions, for example).

All this would have negative consequences on competitiveness, which would inevitably impact on employment as well.

We thus respectfully reiterate our concerns regarding the possible setting up of nutrient profiles at EU level and we stay committed to engaging in dialogue with you on this matter.

Yours sincerely,



C.c. DG SANTE Director-General Anne Bucher
DG SANTE Head of Unit E1 Alexandra Nikolakopoulou