

Call to clarify the Future EU Legislative Framework for Sports Food

To ensure the safe use of the products and the provision of appropriate information to its consumers

SPECIALISED NUTRITION EUROPE (SNE), representing the specialised nutrition industry across the European Union – including manufacturers of sports food,

EU SPECIALTY FOOD INGREDIENTS, representing the European specialty food ingredients industries,

EUROPEAN VEGETABLE PROTEIN ASSOCIATION (EUVEPRO), representing the producers of vegetable proteins for human consumption in the EU, and

FOOD SUPPLEMENTS EUROPE (FSE), representing the food supplements sector in the EU,

collectively call for appropriate adaptations to general EU food law and harmonisation in some areas, to ensure the safe use and appropriate labelling of sports food in the EU.

What makes sports foods so specific ?

Sports foods are products specifically designed, formulated and marketed for use in situations of intense or recreational physical performance and/or post-exercise recovery.

These products are used by millions of professional and amateur athletes as well as sports enthusiasts across Europe, who rely on them to meet their specific nutritional needs before, during and after exercise.

The European Food Safety Authority (EFSA) recognized in 2015 that specific nutritional requirements are needed at different stages of physical exercise to avoid negative effects on sportspeople's health.

Why should sports food specificities be recognised ?

On 15 June 2016, the European Commission published a report, which concluded that sports food could be appropriately regulated under general EU food law, but recognized that the specificities of these foods may need to be taken into account in the application and implementation of current horizontal EU rules.

So far, no such measures have been taken.

Sports foods are a category of food that are specifically formulated to meet the specific nutritional requirements needed to support physical performance (intense/ recreational) and recovery after exercise. These foods therefore need to :





- ◆ Contain nutrients (vitamins, minerals, proteins, amino acids, sugars, etc.) in different levels to those established for normal foods ;
- ◆ Communicate on the intended use of sports foods in order to adequately inform consumers and ensure the correct use of these products ;
- ◆ Use nutrition claims that are not allowed for normal foods but are appropriate for sports foods ;
- ◆ Label the nutritional composition in a way that is relevant for the intended use of sports foods.
- ◆ The establishment of certain essential compositional criteria to ensure appropriate consideration of the nutritional needs of sportspeople.
- ◆ The establishment of appropriate quality specifications for ingredients where necessary for consumer protection.
- ◆ The possibility to refer in the product labelling to the specific nutritional needs associated with the sports activity in question.
- ◆ The need to be able to provide adequate information and instructions to ensure appropriate use of the product.



Without adaptations, what is the impact for the market and consumers ?

- ◆ Failure to ensure appropriate use of these foods and consumer protection from their inappropriate use.
- ◆ The creation of barriers to trade between Member States because of diverging national provisions and interpretations of the EU legislation.
- ◆ The development of SMEs (Small and Medium-Sized enterprises) focused on the sports nutrition market will be threatened.

The diversity of national rules or interpretations is threatening the functioning of the EU single market, creates operational burdens and hinders innovation for companies. It would also lead to consumers not having access to the same or equivalent products in all Member States.

How to establish appropriate rules for sports food at EU level ?

SNE, EU Specialty Food Ingredients, EUVEPRO and FSE call upon EU decision-makers to achieve European harmonisation on specific provisions governing sports food, including the recognition of :

- ◆ A clear definition of the category with an appropriate legal name so that application and implementation of EU law can consider these products' specificities.

Conclusion

SNE, EU Specialty Food Ingredients, EUVEPRO and FSE call for appropriate adaptations of the general EU food legislation for sports food.

In the meantime, SNE, EU Specialty Food Ingredients, EUVEPRO and FSE support a transition (or indulgence) period to ensure that the status quo remains until the necessary adaptations and harmonisations are finalised.

¹ Section 4.2.2 "SME consequences" of the Study on foods intended for sportspeople: Final Report, Food chain evaluation Consortium Lot 3 (FCEC) dated of June 2015 & Section 6.5 "Additional aspects" of the Report from the Commission to the European Parliament and the Council on food intended for sportspeople dated of 15 June 2016 (COM(2016) 402 final).

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