



CONFEDERATION EUROPEENNE DES ORGANISATIONS
NATIONALES DE LA BOULANGERIE ET DE LA PATISSERIE

EUROPEAN CONFEDERATION OF NATIONAL
BAKERY AND CONFECTIONERY ORGANIZATIONS

Association internationale sans but lucratif (A.R. 17.06.1999 - 15524 / 92)

His Excellency

John DALLI

European Commissioner for Health and Consumer Policy

European Commission

B - 1049 Brussels

9th April 2010

Production of handmade foodstuffs in Europe

Your Excellency,

We want to extend to you our best wishes on your new office and the great responsibility it entails. We would greatly appreciate an opportunity to meet with you as soon as possible to discuss the following problem with you.

Our confederation is comprised of the national organisations of bakeries and confectioneries in the European Union. We represent over 190,000 small and medium-sized companies who provide over 1.9 million jobs in Europe. Day by day, over 60 million citizens rely on the healthy and tasty products produced and sold by these companies in France, Italy, Germany and the Benelux countries alone. This is why there has been a lengthy debate on the requirement of nutritional value profiles under Article 4 of the Nutrition and Health Claims Regulation, and, as a consequence, on the specification of guideline values for certain ingredients in foodstuffs. This discussion relating to the proposal by the Commission that foodstuffs which contain more salt than recommended by the Commission's guideline value may no longer be advertised as healthy has been particularly intense.

Not only the small and medium-sized companies we represent, but also millions of their customers know and appreciate their local and regional breads and baked goods made according to traditional recipes. We and millions of consumers in Europe therefore view proposals which could in any way prohibit such advertising as inappropriate discrimination of the products traditionally manufactured by our companies. Thankfully, the President of the European Commission, Mr. Barroso, has already expressed to the chairman of the EPP parliamentary group in the EU Parliament that specification of nutritional value profiles and guideline values is unsuitable for a variety of traditional foods. At the time, we welcomed these statements, but subsequently found that the discussion continued unabated at the administrative level of the EU commission with the objective of specifying such nutritional values and guideline values for all foodstuffs produced in Europe. We received written confirmation of this from the former Director General of GD SANCO, Mr. Madelin, just a few months ago.

We therefore hope that you will understand our request that you issue a final clarifying statement that traditional European foods not destined for cross-border trade will be exempt from the requirement to draw up nutritional value profiles under Article 4 of the Nutrition and Health Claims Regulation. We

are aware that other Directorates-General too have discussed such a move in recent months. For example, the Secretariat-General of the EU Commission highlighted the particular needs of small and medium-sized companies and the particular political sensitivity of the process on March 2nd 2009. The document states: "It would not be wise for the commission to pursue such a proposal further without substantive reasons. These reasons should fully incorporate the recommendations of the Impact Investment Board in order not to compromise the credibility of the "Better Regulation Policy".

At the time, the Directorate-General for Agriculture and Rural Development also rejected the proposals of DG SANCO based on the apt reasoning that "the effects on the abilities of non-cross border, domestic markets were not taken into account at all, and that the political dimension of a proposal by the Commission that failed to take the possible consequences into account was not recognised."

Directorate-General Enterprise also rejected the proposals by DG SANCO, stating that the proposed guideline values "do not appear realistic with regard to the possible encouragement of innovations and because they do not take the principle of proportionality into account."

Your Excellency, based on these statements and our own opinion, which is shared by millions of customers, we are sure that only a fundamental decision by you will finally put a stop to this debate that places the parties concerned under ever greater strains. Now that the responsible committee in the EU parliament has already made several decisions on 16/03/2010 as part of the discussion on the Food Information Regulation, we expect a clear and definitive political decision from the EU Commission, not the withdrawal of producers' freedom to choose their own recipes and the consumers' freedom to make daily nutritional decisions. A solution of this kind is facilitated by the fact that Article 4 of the Nutrition and Health Claims Regulation, on which all these proposals are based, expressly exempts individual foodstuffs and product groups from the requirement to provide nutritional value profiles and accordingly from the specification of guideline values. We therefore urgently request that you heed the suggestions from the EU Parliament to delete Article 4 of the Nutrition and Health Claims Regulation entirely or at least to exempt bread and baked goods (traditional foods) from its scope. Our request is based on the fact that bread and baked goods are only traded across EU borders by a few major industrial manufacturers, while the great majority of these products are manufactured and sold locally or regionally.

A key feature of handmade foods is that their producers generally operate regionally or locally and only in rare cases export beyond national borders – with the exception of a few companies in the immediate vicinity of borders. This rootedness in the local and regional nutrition tradition, including the living habits of consumers, on one hand is responsible for the self-image of producers of handmade foods, and on the other hand for their essential role in guaranteeing the regional variety of foodstuffs, and thus for their overall contribution to the food culture and the quality of life in Europe. Traditional vocational education in the handmade food sector is an exceptional quality assurance instrument, as the quality of handmade foods depends largely on the qualifications of their producers. Hence, quality is the most important contribution to consumer protection, which depends largely on the above-mentioned criteria, rather than on mostly superfluous efforts to legislate this area. Quality assurance systems and guidelines for healthy and trouble-free production of foods prevalent nationally and throughout Europe must respect that quality in handcraft sectors is assured in a different way, but at an equally high level. We are therefore of the opinion that in particular the individual handcrafted production of fresh foods requires a different approach to that for industrially-manufactured and packaged products. Given that more than 95% of food producers in Europe are from the handicrafts industry, legislature simply must take the unique features of these small and medium-sized companies into account in legislation – in fact, these unique features must be the very focus of existing or planned regulations. Accordingly, we agree that European harmonisation and corresponding special regulations are only actually necessary for larger companies that operate in cross-border markets. This is far more suitable for the aim of making legislation appropriate for small

and medium-sized companies at a European level than the previous constant attempts to invent special regulations that actually affect the majority of the companies involved.

We apologise for the length of our letter to you, but hope you will find this appropriate considering the term of office ahead of you. We would be extremely grateful for a timely appointment with you to discuss the entire subject area, so that we can impress upon you the importance of the issue and explain our position to you. We wish you every success in your work and look forward to your response and hopefully a date which suits you.

Yours sincerely,



Henri Wagener
President



Dr. Eberhard Groebel
Secretary General