



Our demand

We call on the European Commission and the Member States in the Council of the EU to stand by their original position in the CMO trilogues and oppose the European Parliament’s Amendment 171 and Amendment 72.

Amendment 171 would introduce new, unnecessary and extreme restrictions on the labelling of plant-based dairy products. Not only would this change put plant-based food manufacturers at an unjustified and disproportionate disadvantage, it would deprive consumers of essential information about the suitability of plant-based products in their diets, and directly contradict the sustainability goals of the EU Green Deal and Farm to Fork Strategy. Amendment 72 would introduce legal uncertainty that could jeopardise the labelling of plant-based food in the future.

Re: Restrictions on the labelling of plant-based food in the reform of the Common Agriculture Policy

Dear Portuguese Presidency of the Council of the EU,

As part of the revision of Regulation (EU) [No 1308/2013](#) establishing a common organisation of the markets in agricultural products (CMO Regulation), the European Parliament adopted Amendment 171 on 23 October 2020, relating to the use of dairy terms in the marketing of non-milk products (see Annex).

[Amendment 171](#) is not a mere codification of existing rules. Amendment 171 would drastically extend [existing](#) restrictions on protected dairy designations by introducing new prohibitions against any “direct or indirect use” or “evocation” of these terms.

These far-reaching restrictions would jeopardise the ability of producers to properly inform consumers about the nature of their products – thereby disrupting their understanding of the offer when it comes to plant-based foods. This would particularly impact consumers who cannot consume dairy for medical reasons (for example, those with an allergy or lactose intolerance), or who have adopted a vegan or flexitarian lifestyle for health, environmental, religious, or ethical reasons.

In practical terms, Amendment 171 could prohibit the following:

- The provision of essential health and allergen information such as “lactose-free alternative to dairy milk”, upon which consumers rely to make food choices that meet their dietary requirements.
- Using words such as “creamy” or “buttery” to inform the consumer about the texture and flavour of a plant-based food.
- Using packs for plant-based foods that are similar in style (shape, colour codes used) to those used for dairy products.
- Using a picture of a plant-based white beverage being poured at a breakfast table, or white foam swirling in a cappuccino.
- Informing consumers about the climate impact of foods, for example by including a comparison of the carbon footprint of plant-based and conventional dairy.

There is simply no justification for making such a dramatic change to the regulatory landscape in this way. Specific dairy designations such as “milk” or “yoghurt” cannot currently be used to describe plant-based products, even if qualified. However, the current regulatory framework – which has been consistently upheld in the courts – allows plant-based producers to use dairy terminology (such as “creamy” or “alternative to yoghurt”) in descriptive commercial communication, provided it is not done in a misleading way.

If Amendment 171 is implemented, plant-based food manufacturers would be forced to completely reformulate the marketing of their products. As highlighted above, they would have to develop unnatural linguistic contortions to communicate to consumers the nature of their products. These changes would lead to increased confusion and frustration among consumers and would disproportionately impact those who rely on clear information to make choices in line with their dietary needs. **A denomination protection that does not even allow a food to be presented as an “alternative to” a dairy product is, in our view, disproportionate and unprecedented in the food sector.**

We also call on the European Commission and the Member States in the Council of the EU to oppose [Amendment 72](#). The vague formulation of this amendment would introduce significant legal uncertainty that could jeopardise the labelling of plant-based food in the future.

Encouraging the broader uptake of plant-based diets is a key means of achieving the EU’s [emissions targets](#), [reducing land and water use](#), as well as preventing further [global biodiversity decline](#), and poor animal welfare practices. [A recent study](#) by the University of Oxford found that, without cutting emissions from our food system, it will be impossible to meet the Paris climate agreement targets. In its Farm to Fork strategy, the European Commission recognises the necessity of moving towards a more plant-based diet and expresses its wish to empower consumers and make it “easier to choose healthy and sustainable diets”. **Adopting this amendment would run directly counter to these objectives by erecting unnecessary regulatory barriers to the uptake of more plant-based diets.**

The below signatories believe that the EU should facilitate, not undermine, consumer shifts towards more plant-based diets. We therefore respectfully urge you to oppose Amendment 171 and Amendment 72, stand up for consumers, and remain in line with the EU's Green Deal and Farm to Fork ambitions.

Thank you very much for your kind consideration. We would be glad to discuss this topic further with you and remain at your disposal for questions.

Kind regards,

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Annex

AM171 - Proposed Dairy Restrictions

Text Proposed by Commission

5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.

Amendment

In Part III of Annex VII, point 5 is replaced by the following:

"5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.

Those designations shall also be protected from:

(a) any direct or indirect commercial use of the designation;

(i) for comparable products or products presented as capable of being substituted not complying with the corresponding definition;

(ii) in so far as such use exploits the reputation

associated with the designation;

(b) any misuse, imitation or evocation, even if the composition or true nature of the product or service is indicated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "substitute", "like" or similar;

(c) any other commercial indication or practice likely to mislead the consumer as to the product's true nature or composition.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.

AM72 - Restrictions against imitation, evocation of designations

Text Proposed by Commission

2. The definitions, designations or sales descriptions provided for in Annex VII may be used in the Union only for the marketing of a product which conforms to the corresponding requirements laid down in that Annex.

Amendment

(5h) Article 78 is replaced by the following:

2. The definitions, designations or sales descriptions provided for in Annex VII may be used in the Union only for the marketing **and promotion** of a product which conforms to the corresponding requirements laid down in that Annex. ***Annex VII may prescribe the conditions under which such designations or sales descriptions are protected, at the time that they are marketed or promoted, against unlawful commercial use, misuse, imitation or evocation.***