



EC Register for Interest Representatives No 109356110578-03

July 2019

EVU Position Paper

Definitions of “vegan” and “vegetarian” in accordance with the EU Food Information Regulation

A. Need for reliable labelling

Societal and market development

The number of vegans, vegetarians and people who turn to more plant-based lifestyles is steadily increasing. The market for vegetarian and vegan products is developing accordingly. These are growing out of their niches and are no longer being offered solely in health and wholefood shops. An assortment of meat- and animal product-free foods can now be found in every discount supermarket.

Uncertainty for producers and consumers

It is unclear, however, what precisely the terms “vegan” and “vegetarian” stand for when it comes to food labelling. Neither at European nor at member state level there are clear and expressly formulated, legally binding definitions for the food sector. As a result, manufacturers develop their own criteria and might indicate their products with own respective labels, which is to be welcomed in general, as it accommodates the increasing demand and facilitates instant and informed decision-making by consumers. Yet, criteria for these labels can vary from company to company. Currently, only the V-Label issued by EVU provides reliability for vegan and vegetarian products, as it is based on criteria developed by vegetarian organisations throughout Europe.

B. Legal and political situation

The absence of legally binding definitions for the terms “vegan” and “vegetarian” in food labelling has also been identified as a problem by the European legislator. Thus, the EU Food Information Regulation (FIC) stipulated that the European Commission is to issue an implementing act defining requirements for “information related to suitability of a food for vegetarians or vegans” (Article 36(3)(b) Regulation (EU) No 1169/2011). This signifies an obligation to decree a legal definition of the terms “vegan” and “vegetarian” for the labelling of foods. Unfortunately, the Commission has failed to act upon this responsibility since 2011 and does not consider the matter to be of high priority.

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After years of intensive lobbying by the EVU, the European Commission has committed to preparatory work on the definition starting in 2019 in its working programme for 2018. This was accomplished after the EVU filed a submission at the REFIT platform, which advises the Commission on effective regulation. The submission was backed by the Stakeholder- and Member State committee and consequently approved. REFIT shared EVU's opinion that the Commission needed to act soon and recommended putting the topic on the agenda. Nevertheless, with regards to future developments in the EU, political pressure has to be kept up in order to remind the Commission of its duty to finally establish the implementing act laying out criteria for legally-binding definitions.

On member state level, a breakthrough has been achieved in Germany: The consumer protection ministers of the German Länder unanimously voted in favour of a proposal for a legally binding definition of the terms "vegan" and "vegetarian" (22 April 2016). The wording had been consensually developed by a working group of the Länder, the German food industry and EVU's German affiliate ProVeg (former VEBU). The proposed definition is based on criteria developed by EVU, is backed by its member organisations and fully implements the expectations of interested consumers.

Furthermore, EVU collaborated with the European food industry, represented by its umbrella organisation FoodDrinkEurope (FDE), and agreed on a joint proposal for a definition.

Altogether, there is an urgent need and widespread support among all relevant stakeholders for legally-binding definitions. Now, the Commission must act.

C. Legally binding definition

Requirements

The aim of a definition as seen from the perspective of EVU is to enable informed and self-determined purchase and consumption decisions. The fundamental or situational choice in favour of plant-based products needs to be made easier for consumers.

To achieve this goal, a definition must steer a middle course. On the one hand, it must be **(a) sufficiently narrow** so that the terms "vegan" and "vegetarian" guide interested consumers in their expectations. On the other hand, it must be **(b) sufficiently pragmatic and realistic** so that the range of products to be labelled "vegan" and "vegetarian" is not unnecessarily restricted, which would artificially complicate plant-based lifestyles.

These considerations lead to the following concrete requirements:

- a) The deliberate use of non-vegan or non-vegetarian substances must be ruled out. This applies to all substances, independent of the amount used, and also to all of their preliminary stages and components. The presence or effect in the final product is not decisive, meaning that, for example, processing aids have to be covered by the definition as well.

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Fruit juice clarified with gelatine or bread produced with flour that has been treated with animal-based cysteine thus cannot be considered vegetarian. The background of this demand is that, while there are various motivations for plant-based lifestyles (health, ecology, etc.), the ethical aspect according to which animals are not to be killed or exploited is prevalent. Since animal substances that are deliberately utilised are produced and acquired specifically for this purpose, the consumer would, through their purchase, contribute to the exploitation of animals. This poses an ethical problem from the vegan-vegetarian perspective.

- b) The (potential) presence of inadvertent traces of non-vegan or non-vegetarian substances should not be an obstacle to labelling a product as vegan or vegetarian, provided that such contamination takes place despite a careful production process that complies with best practices and the state of the art.

The joint production of vegetarian and non-vegetarian foods in a production facility and with the same machines should be possible as long as reasonable measures are taken to prevent contamination. The purchase of vegan or vegetarian foods that have been contaminated with animal substances does not contribute to the increased use of animals. Therefore, impurities do not pose an ethical problem from the vegan-vegetarian perspective. The current regulations about allergen labelling ensure that those affected can inform themselves about this aspect of a food.

These requirements are supported by EVU and its member organisations from all over Europe. What's more, producers and retailers of vegan and vegetarian products comply with the principles set out. Last but not least, they meet the practical requirements of vegans, vegetarians and the many people who eat an increasingly plant-based diet. This is ultimately decisive, as according to the FIC, the "suitability of a food for vegetarians or vegans" is at stake – and who could judge this better than they themselves?

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Proposed definition (translation by EVU)

The following proposed definition has been adopted by the German consumer protection minister conference (see above) and approved by FDE. The EVU sees the requirements depicted above as fully implemented in this wording and suggests to use it for further discussions.

(1) Food suitable for vegans

Foods that are not products of animal origin and in which, at no stage of production and processing, use has been made of or the food has been supplemented with

- *ingredients (including additives, carriers, flavourings and enzymes), or*
- *processing aids, or*
- *substances which are not food additives but are used in the same way and with the same purpose as processing aids,*

that are of animal origin.

(2) Food suitable for vegetarians

Foods which meet the requirements of paragraph 1 with the difference that in their production and processing

- 1. Milk and dairy products,*
- 2. Colostrum,*
- 3. Eggs (No. 5 of Annex I to Regulation (EC) No. 853/2004),*
- 4. Honey (Annex I to Directive 2001/110/EC),*
- 5. Beeswax,*
- 6. Propolis, or*
- 7. Wool grease including lanolin derived from the wool of living sheep*

or their components or derivatives may be added or used.

(3) A claim that a food is suitable for vegans or suitable for vegetarians is not precluded by unintended presence in the food of products which do not comply with the requirements of paragraphs 1 or 2, if and to the extent that this is unavoidable at any stage of production, processing and distribution, despite appropriate precautions being taken in compliance with good manufacturing practices.

(4) Paragraphs 1 to 3 shall apply accordingly if food information is provided which is synonymous with 'food suitable for vegans' or 'food suitable for vegetarians' from a consumer perspective.