

TTIP meeting with European Heart Network (EHN) and European Public Health Alliance (EPHA) on health warnings labelling

Participants:

[REDACTED], [REDACTED], [REDACTED], [REDACTED] (TRADE); [REDACTED] (SANCO). [REDACTED] (European Heart Network -EHN-), [REDACTED] (European Public Health Alliance -EPHA-).

Summary:

The European Heart Network (EHN) and the European Public Health Alliance (EPHA) questioned COM on health warnings labelling. From their perspective health warnings on labels of food products regarding for instance, fat, salt and sugar serve for the purpose of calling the attention of the consumer and preventing and reducing cardiovascular diseases. Therefore, they wanted to know how health warnings labelling is handled in the TBT Committee context and the implications that the TBT chapter in TTIP (in particular its labelling provisions) could entail.

Discussion:

EHN acknowledged that there is no International Standard (IS) on health warnings on food. Harmonization on the issue is particularly difficult due to cultural differences. EHN referred to the infringement proceedings started by COM against the UK for its traffic light labelling system. In connection to this, EHN asked **what would happen if the EU were to adopt a harmonized approach on health warnings labelling**. COM explained the procedure that would have to be followed in case of modification of legislation with TBT relevance (food labelling falls under the scope of the TBT agreement). In particular, EU would notify the draft text to WTO Members under the TBT Agreement and the rest of the WTO Members would comment on it. EU would then defend its legislation in the TBT Committee plenary, if raised. Moreover, EHN inquired whether under the TBT agreement there is any complaint on EU's Regulation on food labeling. In this regard, the COM clarified that there had been one complaint but on a very specific matter (palm oil).

COM noted that it had raised concerns regarding Chile, Indonesia and Ecuador measures on health warnings labelling. Given that there is no International Standard on health warnings, COM always uses the EU Regulation on food labelling as a benchmark and always states that a high level of consumer/health protection is a legitimate objective. When a country notifies a measure to TBT Committee and COM has doubts about it being more trade restrictive than necessary, it requests scientific evidence for the adoption of the measure, but it does not question the measure as such. This approach is common to other WTO members. Moreover, COM indicated to EHN and EPHA the existence of an EU TBT data base where many of the details can be consulted and followed up.

In this regard, **EHN enquired about the type of scientific evidence that the COM expects** in this case.

COM noted that the EU is going through a delicate moment in this respect, i.e. the traffic light system implemented in the UK. A more defined position will be possible after assessment of the UK's reaction to the infringement proceedings.

Another question posed by EHN was whether compositional standards and packages sizing would fall under the scope of the TBT agreement. In this respect, the COM noted that even though there might be some borderline cases that might require notification to both TBT and SPS, in principle the COM is of the opinion that compositional standards would be under TBT's scope.

EHN remarked that there are no IS for health assessment of food. Therefore, **if the EU sets a standard on nutritional profiles in the context of nutrition claims regulation, this could be used to push the world towards the adoption of an IS.**

EHN asked for information on **how recommendations of organizations such as the WHO are taken into account in the TBT Committee.** COM clarified that if the EU wants to adopt a measure, it will use any existing document that supports it (i.e. impact assessment studies, international standards and recommendations) to defend it in the Committee. Likewise, it will also use these recommendations as support to contest a measure adopted by any other WTO Member. Furthermore, COM explained that when a notification of a third country is received, it is scrutinized by the service in charge of the file, which will make some comments on the matter. Stakeholders' comments are also welcomed at that stage by the Commission. Then inter-service consultations take place. After this procedure, the official EU position/comments are sent to the WTO Member in question and published in the EU TBT data base.

Finally, the NGOs referred to the TBT Chapter of TTIP. In particular, they wanted to know **whether the rules in the FTA will be stricter than the rules that are laid down in the TBT Agreement concerning labelling.** COM explained that in the TBT Agreement labelling is scarcely tackled. Thus, the intention of a FTA is to rule more explicitly on the matter. This seemed controversial for the NGOs, which feared that TTIP may render even more difficult to adopt health warnings labelling legislation. COM clarified that this is not the intention and that most of the proposed language stems from TBT Agreement obligations that apply also to labelling. Moreover, the EU is not expecting that the US would challenge the EU movements as regards food labelling in as much as the US practice is very much in line with EU rules.