

Brussels, 18th March 2021

EU Specialty Food Ingredients Comments on Notification 2020/832/F (France) Decree on the provision of information identifying endocrine disruptors in a product

EU Specialty Food Ingredients would like to share the below comments on the *Decree on the provision of information identifying endocrine disruptors in a product* notified by France to the Commission under the procedure established by Directive 2015/1535/EU¹.

Said Decree foresees the establishment of

- *list of substances exhibiting endocrine-disrupting properties (...), divided into two categories, proven and presumed,*
- *list of substances exhibiting suspected endocrine-disrupting properties*
- *categories of products presenting a particular exposure risk (...) with regard to the populations exposed, the conditions of use and disposal of these products and other relevant criteria.*

In line with the decree, these lists and categories should be *available on a public database with a programming interface accessible via the Internet.*

EU Specialty Food Ingredients would like to point out that the Decree in question **disregards the initiatives in the area of endocrine disruptors at the EU level**. The European Commission announced in its Chemical Strategy for Sustainability² specific legislative actions with reference to endocrine disruptors and the timeline for their completion³. Regulating in the area that is being or will soon be covered by the EU legislation goes against the legislative competences of the EU Member States as laid down in the Treaty on the Functioning of the EU⁴. In the text of the notification, we have been unable to find a justification for the proposed legislative action by France, considering that the issue is being addressed at the EU level.

In addition, the European Commission clearly stated that in the Chemical Strategy for Sustainability that the **EU Food legislation and specifically the EU Food Additive⁵ legislative framework provides the coverage of potential endocrine disruptors** by

¹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1–15

² https://ec.europa.eu/environment/strategy/chemicals-strategy_en

³ Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment {SWD(2020) 225 final} - {SWD(2020) 247 final} - {SWD(2020) 248 final} - {SWD(2020) 249 final} - {SWD(2020) 250 final} - {SWD(2020) 251 final}

⁴ Article 2.2 and Article 4 of the Treaty on the Functioning of the European Union

⁵ Commission Regulation (EU) No 234/2011 of 10 March 2011 implementing Regulation (EC) No 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings, OJ L 064, 11.3.2011, p.15

using the most recent updated versions of the Test Guidelines⁶. Accordingly, national legislation addressing the food area in this matter is disproportionate and again refers to the area fully regulated by the EU, which Member States do not have competences to address by their national legislation.

Setting up in France requirements additional to the ones at the EU level will result in **disruption of the free movement of goods on the EU market**. Businesses forced to fulfil additional national requirements will face unnecessary burdens in the area fully harmonised by the EU legislation.

Finally, EU Specialty Food Ingredients supports a **science-based approach when addressing endocrine disruptors**. The decree in question did not lay down scientific criteria for establishing the lists of substances '*exhibiting endocrine-disrupting properties*', '*exhibiting suspected endocrine-disrupting properties*' and categories of '*products presenting a particular exposure risk*'. Creation of said lists and categories based on opinions of national authorities, as opposed to the views of the European agencies such as EFSA or ECHA will create confusion among consumers faced with different approach nationally and at the EU level.

In summary, the proposed French decree disregards the initiatives at EU level focused on endocrine disruptors as detailed in the *Chemical Strategy for Sustainability*, it will result in disruption of the free movement of goods in the EU market and it puts in question the science-based approach taken by the European institutions. We would therefore like to ask to consider these aspects when addressing the Decree in question.

We remain available in case of comments or clarification requests.

EU Specialty Food Ingredients represents a united voice for the specialty food ingredients industry on scientific, technical and regulatory issues relating to food products in Europe. It is our aim to ensure that all stakeholders - from manufacturers and retailers to regulatory authorities and consumers - are correctly informed of the use, safety and benefits of specialty food ingredients. In total, more than 200 international and national food ingredients companies are currently involved in the Federation's activities through direct membership or an association. 3-8% of EU specialty food ingredients manufacturers' turnover is dedicated to research and development.

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⁶ SWD(2020) 251 final, COMMISSION STAFF WORKING DOCUMENT FITNESS CHECK on endocrine disruptors, page 176,

https://ec.europa.eu/environment/pdf/chemicals/2020/10/SWD_on_Endocrines_disruptors.pdf