

Plant-food Sweden (Växtbaserat Sverige) is grateful for the opportunity to submit comments on the Italian proposal for new provisions on the prohibition of the production and marketing of food and feed consisting of, isolated from or produced from cell cultures or tissues derived from vertebrate as well as a prohibition on the designation of processed products containing vegetable proteins as meat (2023/0675/IT).

As in the case of the French decree, which Växtbaserat Sverige submitted comments on in November 2023 (see appendix), we would like to see Sweden object to the proposed Italian rules as they are even more far-reaching than the proposed French rules.

As you have noted, Växtbaserat Sverige previously submitted comments to Kommerskollegium (the National Board of Trade Sweden) in December 2021 on the then proposed French decree containing similar rules that were then adopted by France, but which is now being processed as the subject of an advance ruling in the European Court of Justice. This follows the French Supreme Administrative Court having turned to the European Court of Justice to determine whether the French legislation is compatible with EU law. This was prompted by the French Supreme Administrative Court's ruling, which, in effect, stopped the application of the ban on meat terminology being used for vegetarian food products.

One notable difference, however, to the previous French proposal, where there remains some ambiguity as to whether the French rules apply solely to French-produced goods or also to goods produced in another country, is that it is clear the proposed Italian rules are intended to cover goods produced and approved in other Member States. This represents a restriction on the fundamental principle under EU law on the free movement of goods.

Växtbaserat Sverige's view is that the rules' effect is equivalent to a quantitative export restriction, which constitutes a prohibited trade barrier under Article 34 of the Treaty on the Functioning of the European Union. In addition, the rules are contrary to the principle of mutual recognition. It is questionable whether the Italian justification, that the rules are in place to protect consumers, is well-grounded as the proposal makes it more difficult for consumers to make informed choices of plant-based products, which conflicts both with the purpose of EU Regulation 1169/2011 on food information and the overall policy goals of the EU's Farm to Fork strategy regarding establishing sustainable food systems.

The Italian proposal makes reference to the precautionary principle in Article 7 of the EU's General Food Law Regulation without considering relevant precedence from case law in, inter alia, Case C-236/01 Monsanto Agricoltura Italia Spa v. Presidenza del Concilio dei Ministri. Cell-based food products must be authorised in accordance with the EU Regulation on novel foods (2283/2015/EU). To date, no such application has been approved.

Furthermore, it remains unclear what type of needs analysis or impact assessment has been carried out in Italy's preparatory work that would justify introducing this new regulation. According to a study conducted by BEUC (2020), the majority of the EU population do not oppose the use of "meaty" names or designations for plant-based products. On the contrary, such terms help consumers better understand the product. Source: [beuc-x-2020-042\\_consumers\\_and\\_the\\_transition\\_to\\_sustainable\\_food.pdf](#)

It is likewise unclear whether there will be any transitional rules for products already on the Italian market, which rules will apply to them?

Finally, the proposal means that Italy, like France, is acting in conflict with the updated EU Regulation establishing a common organisation of the markets in agricultural products (1308/2013/EU, CMO), which was updated as recently as 2021 and, furthermore, rejected a similar restriction on the use of certain designations for plant-based products by both Member States and the European Parliament (AM 165 and 171).

This is Plant-food Sweden (Växtbaserat Sverige):

