13 August 2025

UNESDA comments submitted via the TRIS online procedure

Proposed decision from the Romanian authorities on the provision of information in the marketing of food products with the application of the Nutri-Score nutrition label

TRIS NOTIFICATION 2025/0283/RO

End of standstill: 10 September 2025

Representing the European soft drink sector, UNESDA welcomes the opportunity to comment on the notification of the above-mentioned proposed decision from the Romanian authorities in relation to the Nutri-Score system of front-of-pack nutrition labelling.

UNESDA Soft Drinks Europe is the European association representing the soft drink sector. Our members produce a wide range of soft drinks, including no- and low-calorie beverages.

Please see below the key reasons why we consider the proposed decision from the Romanian authorities is a barrier to trade and not in line with European legislation.

1.Nutri-Score unfairly discriminates against the use of low- and no-calorie sweeteners in beverages

Adopted on the basis of the recommendations from the Nutri-Score Scientific Committee[1]- a self-appointed group which is not an EU risk assessor for foods or ingredients, the Nutri-Score front-of-pack nutrition labelling scheme for beverages allocates negative points for the presence of low- and no-calorie sweeteners ('sweeteners'), meaning that a typical 'diet' soft drink, with hardly any sugar and only 1kcal per serving (eg 250ml glass), receives a 'C' Nutri-Score rating.

The purpose of using sweeteners in foods and beverages is to provide a sweet taste to foods and beverages with no, or hardly any, calories or sugar. A wealth of scientific evidence has demonstrated that consuming foodstuffs sweetened with sweeteners instead of the sugar-sweetened versions can be helpful in reducing overall daily sugar and energy intake, when part of a balanced diet and a healthy lifestyle. [2] [3]

[1] https://www.santepubliquefrance.fr/determinants-de-sante/nutrition-et-activite-physique/documents/rapport-synthese/update-of-the-nutri-score-algorithm-for-beverages.-second-update-report-from-the-scientific-committee-of-the-nutri-score-v2-2023

[2] Rogers PJ, Appleton KM. The effects of low-calorie sweeteners on energy intake and body weight: a systematic review and meta-analyses of sustained intervention studies. Int J Obes (Lond). 2021 Mar;45(3):464-478

[3] Espinosa A, Mendoza K, Laviada-Molina H, et al. Effects of non-nutritive sweeteners on the BMI of children and adolescents: a systematic review and meta-analysis of randomised controlled trials and prospective cohort studies. Lancet Glob Health. 2023 Mar;11 Suppl 1:S8.

The possibility to produce beverages containing sweeteners is a key reason why the soft drink sector has so effectively been able to respond to public health concerns regarding sugar consumption.

2. The proposed decision, contrary to its preamble, fails to comply with ANY of the conditions of Article 36 of the Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers ('FIC Regulation') upon which the Government of Romania states is its basis[4]

The Government of Romania states in the preamble to this Decision that it was developed on the basis, inter alia, of the FIC Regulation and specifically, its Article 36.

Article 36 of the FIC Regulation requires that food information provided on a voluntary basis shall meet the following requirements:

- It shall **not mislead the consumer**;
- It shall **not be ambiguous or confusing for the consumer**
- It shall, where appropriate, be **based on the relevant scientific data**.

However, the draft Romanian decree fails to comply with any of the above-mentioned conditions in EU labelling legislation for voluntary front-of-pack nutrition labelling for the following reasons:

a) The Nutri-Score front-of-pack labelling scheme unfairly discriminates against the use of sweeteners, not taking into account stringent EU risk assessment (i.e. science) and risk management procedures for the approval of all food additives, including sweeteners:

- All sweeteners available on the market in Romania have been thoroughly assessed by EFSA[5] and their use in many food and beverage categories has been approved by the European Commission and Member States via Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives[6].

- Data shows that low- and no-calorie sweeteners are used in a wide variety of food and beverage groups[5].

- In their opinion published in 2022 on nutrient profiles[6], EFSA re-asserted their confidence in sweeteners by not considering that they should be a criterion for nutrient profiling – which is essentially what underpins the Nutri-Score system.

- ANSES, the French food safety agency, in their 2023 report[7] made it clear that they consider that it is not justified for Nutri-Score to penalise sweeteners and that the binary nature of the system, based on presence or absence, and only for beverages and not solid foods, is scientifically questionable**.**

- Sweeteners have a crucial role in supporting public health objectives by helping consumers reduce their overall intake of sugars and calories: Unjustifiable discrimination, such as is proposed in this draft decision, will cause consumer confusion and risks jeopardising sugar reduction programmes.

[4] https://eur-lex.europa.eu/eli/reg/2011/1169/2018-01-01
[5] https://www.efsa.europa.eu/en/topics/topic/sweeteners
[6] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R1333
[7] https://www.anses.fr/fr/content/avis-2023-sa-0162

- Sweeteners are one of the most effective ways in which sugar and calorie content can be reduced or virtually eliminated in soft drinks. UNESDA is therefore very concerned that this apparent lack of public support for sweeteners could jeopardise the soft drinks sector's ability to make further progress on sugar reduction and reformulation to offer an ever wider choice of no- and lower-calorie options for consumers.

- There is no justification whatsoever for any specific labelling scheme at national level in any Member State(s) to unilaterally discriminate against sweeteners, nor any specific sub-set of EU-approved food additives, and even less so that this discrimination should apply to only one category of foodstuffs among many using the specific group of food additives (i.e. in this case, beverages). This clearly constitutes discrimination of a food category without scientific justification.

b) Furthermore, should this decree be enacted as drafted, it risks causing consumer confusion. It is therefore in breach of Article 7 of the FIC Regulation and with its Article 36 which the Romanian authorities argue is the legal basis for the proposed decree.
For example: a soft drink legally labelled as 'low-calorie' and not containing any (or hardly any) sugars would only be eligible to receive a low Nutri-Score rating of C (E being the lowest rating) which is clearly confusing for the consumer who should be able to expect a better rating for a product, say, containing only 1 kcal per serving (250ml glass).

3. The Romanian draft decree, if adopted as such, will create obstacles to the free movement of goods, including for the reason that there is no EU-wide governance

Although 'voluntary' on paper, the Nutri-Score labelling scheme, if the decree is adopted as such, would be supported by the Romanian government. As such, there is a risk that compliance becomes *de facto* mandatory (eg required by retailers), which creates issues for cross-border trade in terms of various labelling regimes required for different Member States.

There are additional clear indicators that the proposed adoption of the Nutri-Score scheme by the Romanian authorities as a voluntary scheme poses a threat to the free movement of goods, such as the fact that it lacks any form of EU governance – being based on recommendations from a self-appointed group which is not an EU risk assessor.

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