

## Introduction

ESSNA is a pan-European trade association with over 50 members representing the interests of the sports nutrition sector across the EU. Our members are large global businesses, smaller specialist brands, suppliers of ingredients, sports nutrition publications, as well as national associations. ESSNA's main aim is to influence policy and regulation of sports nutrition products in Europe. Without ESSNA, the sector would have no voice for discussion and no vehicle for action at EU level.

## The History

In 2003 the European Union was planning a new Directive (law) that was intended to tightly regulate sports nutrition products. Often referred to as the "Sports Nutrition Directive", it would have in fact covered: "*Foods intended to meet the expenditure of intense muscular effort, especially for sports people*".

Substantial progress had been made by the European Commission in moving towards a final proposed text: against that background it was considered essential that the specialist sports nutrition sector urgently organised itself so that it could enter into dialogue with those involved in finalising the legislation to prevent a serious and adverse impact upon its products.

The Alliance was launched formally on 2<sup>nd</sup> December 2003 with the following aim:

*To be a forum for discussion and vehicle for action on the concerns of the specialist sports nutrition sector in order to secure appropriate and proportionate European legislation on sports nutrition products.*

Since then, the debate has moved on into many varied and complex areas. The idea of a special directive for Sports Nutrition has now been abandoned and instead the EU adopted a law that aims to bring such products under general food law. This new law will become applicable in July 2016 and in the meantime the European Commission is working on a report 'on the necessity, if any, of provisions concerning food intended for sportsmen'. In addition, there are many other discussions in both the food and sports policy area that affect the sports nutrition industry and which need to be addressed. Indeed, whilst food has long been mostly regulated at a European level it is only recently that the European Union gained additional authority in the field of sport, including in anti-doping.

## ESSNA Today

Today ESSNA is a mature and respected organisation and it is recognised by EU and Member State institutions as such.

ESSNA enters on a regular basis into discussion with key stakeholders. It plays a key role in ensuring that the specialist sports nutrition sector's voice is heard in all key debates and discussions in the European Union.



The detail of EU procedures is often complex but their essence is relatively simple. New regulations or directives which affect all 28 member states are made based upon proposals from the European Commission (EU civil service), to the Council of Ministers (political representatives of the 28 member governments) and to the European Parliament (whose members are elected by the citizens of Europe), taking into account advice from specialist agencies like the European Food Safety Authority (which provides scientific advice).

ESSNA remains in close and ongoing dialogue with the key players in all the above institutions, as well as the key players in each of the 28 member states, to inform and influence discussions, at an early stage, on a wide range of legislative issues.

Today we are working at European level on such matters as:

- The Food for Specific Groups Regulation revising the PARNUTS Framework Directive
- The Nutrition and Health Claims Regulation
- The Food Information to Consumers Regulation
- The Fortified Foods Regulation
- The Food Supplements Directive
- The Additives/Flavourings/Preservatives Regulations
- The Novel Foods Regulation
- EU Sports policy and anti-doping

Our views are actively sought by key officials and political thought leaders. We are able to exercise considerable influence as the authoritative voice of the sector. Officials welcome our input and involvement since it gives them a better understanding of the sector, its products and the aspirations of its customers.

## Other Areas of Activity

Since March 2013, ESSNA has developed and implemented a PR and media engagement strategy to promote the interests of the industry and position ESSNA as the authoritative source of information and comment on key issues.

ESSNA, with the support of members, has also implemented a structured programme of activity to identify and address those cases where rogue businesses are seeking to gain unfair competitive advantage by failing to comply with the laws and regulations with which responsible businesses must comply.

From mid-2015, ESSNA has built a presence on social media to further promote the industry and its interests to a new audience. ESSNA has also sought to address one major issue that affects the sports nutrition sector by tackling inadvertent doping and so improving the reputation of the industry amongst athletes, coaches, regulators and the general public.

## Our Success to Date

ESSNA can be proud of what it has achieved to date. Not only has it grown to be a respected alliance, with responsible and informed views, but it has also delivered specific concrete results for its members:

- We blocked introduction of a flawed draft directive on sports nutrition products in 2003/2004
- We blocked inclusion of sports nutrition in the scope of the new Regulation on Foods for Specific Groups replacing the PARNUTS Framework Directive, and are currently engaging with the appropriate authorities on implementation this Regulation to ensure an appropriate final outcome for the subsequent report on sports nutrition regulation

- We have succeeded in moving forward substantially the intellectual argument that the sector is responsible, that its products are safe, and that they are appropriate for the mass market
- We helped block proposals for the widespread introduction of charges for the processing of dossiers by the European Food Safety Authority
- On Additives, we have fed into Commission's proposals on Food Categorisation System, now in force
- On Food Supplements, we have engaged to avoid the negative consequences of the setting of restrictive maximum permitted levels for vitamins and minerals in food supplements
- On Nutrition and Health Claims, we have participated in various stakeholders meeting regarding the adoption of the Community list of permitted health claims, and continuously engage with a number of claims relevant for the sector
- We have also contributed to the Commission's awareness of the impact of the nutrient profiles on sports nutrition products. Through our on-going work the Commission is now considering whether or not to drop the entire concept of nutrient profiles altogether
- We have engaged with companies, regulators and enforcement authorities across different member states to emphasise the need for sports nutrition businesses to comply with the law, and the equally important need for this law to be properly enforced. Through this activity, together with strengthening ESSNA's own internal requirements for compliance with the law, we have underscored the maturity of ESSNA as an organisation and its members as representatives of the sports nutrition industry, improving the reputation of the sector and making it easier for ESSNA to achieve its lobbying goals
- We have worked with the sector and mainstream media across the EU, both pro-actively and reactively to ensure that the views of ESSNA and its members are heard, helping the broader population learn more about the industry and reinforcing our messages around the need for proportionate regulation and to tackle non-compliant companies
- Our work on social media - @essnasports and LinkedIn - has led to increased visibility and enabled us to rapidly highlight ESSNA's response to stories
- We have built the first links between the sports nutrition industry and anti-doping authorities throughout Europe, working once again to improve the reputation of the sector
- We bought all of these strands of work together at the first ESSNA Conference that took place in Brussels in September 2015, and featured presentations from senior European Commission policy officers, representatives from UK Anti-Doping and nearly one hundred attendees representing businesses and trade bodies from across the EU and beyond.



**In all of these debates we are managing to ensure that ESSNA and its members are able participate in any relevant discussion, take advantage of the regulatory, legislative and media opportunities that exist and spot and neutralise at an early stage any threats to members, their businesses and future growth**

## Membership

Full membership of the Alliance is by invitation of the existing members and is open to businesses manufacturing and/or distributing specialist sports nutrition products/ingredients on payment of an annual membership fee of £3,500. Full members have voting rights in all decisions which are taken, if necessary, by majority vote, although votes are seldom needed as there is generally consensus about what our position should be.

Associate membership of the Alliance is by invitation of the existing members and is open only to those organisations associated though not fully involved with the sports nutrition industry but who wish to support the organisation and its aims, and on payment of an annual membership fee of £1,750.

Associate members do not have voting rights in decisions of the Alliance but will be consulted on all major decisions.

Members are required to have given three months written notice of their intention not to renew their membership at the commencement of the new membership year (1<sup>st</sup> December). Members who fail to give such notice will be liable for the full membership fee for that subsequent year.

Members of the Alliance have all agreed to strive to comply with relevant national and European regulations in a responsible manner. These regulations are covered in the ESSNA Code of Practice, with which all members must comply. Failure to comply with the Code of Practice may lead to expulsion and forfeit of membership fee.

All contributors must be members and all members must be contributors.

## First Meeting

The first Annual General Meeting of the Alliance was held on 2<sup>nd</sup> December 2003. The Alliance has met regularly since then and the following Chair and Vice-Chairs - known as the officers - were most recently elected:

**Chair:** Dr Adam Carey BSc, MB BChir, MA, MRCOG, CorPerformace

**Vice Chair:** Mark Gilbert, Tropicana  
Suzane Leser, Volac  
Stuart Shotton, The Hut Group  
Claudia Mucciardi, Glanbia

A further Vice-Chair will be elected in January 2016.

## Control and Administration

The officers are responsible for the general conduct of the Alliance and will supervise the implementation of a plan of action agreed by the members of the Alliance and ensure the budget and funds are appropriately administered, giving regular reports to the members on progress and financial affairs. The members will have such control and power to change the officers should more than 50% so wish.

The Whitehouse Consultancy Ltd ([www.whitehouseconsulting.co.uk](http://www.whitehouseconsulting.co.uk)) were appointed to provide the Secretariat, administrative support, strategic advice and lobbying capacity. Member companies will be called upon to provide technical support etc. ESSNA also draws upon additional specialist technical advice when appropriate.

The Alliance exists to provide a vehicle for participation in those regulatory and political debates and processes relating to sports nutrition which its members consider appropriate.

The Alliance needs the active support and involvement of as many responsible companies in the sector as possible. It would be anticipated that these participants be contributors to and members of ESSNA.

## Annual General Meeting and Election of Officers

1. The Alliance shall hold an Annual General Meeting in December, or as soon thereafter as the Chair deems practical, at which to elect the following officers:
  - a. Chair
  - b. Four Vice Chairs
2. The designated Secretariat shall contact all members inviting nominations for each position to be received by the Secretariat by 10<sup>th</sup> November prior to the Annual General Meeting.
3. If more nominations are received for any one position of Chair or Vice-Chair than there are corresponding positions, then the Secretariat shall arrange a secret ballot of all members by the most efficient method possible, as agreed by existing officers. Members shall be asked for their vote and they must return their vote in writing to the address of the Secretariat three days prior to the Annual General Meeting. Votes received after the deadline given by the Secretariat will be invalid.
4. Each member<sup>1</sup> will be entitled to cast one vote in relation to each contested officer position.
5. The Secretariat shall scrutinise the valid votes prior to the Annual General Meeting and announce the results at the Annual General Meeting.
6. The successful candidate will in the case of elections for the Chair be the one who secures the most votes, and in the case of the Vice Chairs will be the four candidates who secure the most votes.
7. Successful candidates will take office with immediate effect once the results are announced.

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<sup>1</sup> Members agreed at their meeting on 3<sup>rd</sup> May 2007, that for the purposes of the election of officers, Associate Members would be entitled to vote as well as Full Members.

## Contributions and Surplus

ESSNA is a non-profit-distributing body. No surplus of income over expenditure shall be distributed to its members or any other party other than on liquidation. Although not anticipated in the near future, should ESSNA be dissolved/liquidated any surplus existing upon settlement of outstanding fees and liabilities will be paid back to members in relation to their proportion of total contributions in the last five years of ESSNA. The surplus will not be paid to any other entity, group of entities or individual which are non-contributors.

The return of contributions is limited to those that have been contributors at any time in the preceding five years.

## Bank Account

ESSNA will have its own designated bank account.

## Meetings

All members will be given notice of meetings held and copies of minutes recording discussions and decisions taken at those meetings.

## Accounts

Accounts to 30<sup>th</sup> November each year will be produced to record and identify a surplus/deficit at that point in time.

This note was agreed at the Members' meeting held on 27<sup>th</sup> September 2006 and subsequently amended.

This current version of the note was agreed by Members on 27<sup>th</sup> January 2016.

## Protocol Adopted by ESSNA Members

Coming into force on 1<sup>st</sup> August 2007 and amended at the Annual General Meeting of 27<sup>th</sup> January 2016

### Quality Control and Regulatory Compliance

In applying for membership, all members of the Alliance have agreed to strive to comply with relevant national and European regulations in a responsible manner. Members are expected to ensure that their manufacturing processes and testing procedures meet appropriate standards for the markets in which they operate. Members must also comply with the most recent version of the ESSNA Code of Practice. Member companies who persistently fail to meet such standards may have their membership revoked and forfeit their membership payment.

Members are advised to seek advice from member state competent authorities, national trade associations, or suitably qualified technical and scientific advisors should they need guidance on regulatory requirements. The Secretariat will always seek to assist members in seeking to identify suitable sources of such advice.

The Secretariat will annually, at the time of membership renewal, ask members to complete a short form restating their commitment to comply with regulations and requiring a short statement confirming that they will comply with the ESSNA Code of Practice at all times.

### Dispute Resolution

Should any member believe that it has cause for concern about the behaviour of another member, then the ESSNA Secretariat, under the supervision of the Chair, will seek to facilitate a confidential resolution of that issue. The following steps are considered appropriate:

1. In the first instance, a member wishing to bring a complaint is encouraged to speak directly to the company about which they are concerned.
2. If such informal direct contact is considered inappropriate or fails to resolve the matter, then the member may send details of the complaint to the Secretariat who will, following discussion with ESSNA officers, forward the complaint to the member concerned seeking a response which in turn will be shared with the complaining member.
3. Should such an initial exchange not resolve the matter then the Secretariat, under the guidance of the officers, may initiate further discussions between the parties to facilitate a resolution.
4. The Secretariat may, if it considers it likely to help achieve a resolution, take expert advice from ESSNA officers, commission testing of product by a suitable laboratory, or take professional advice on label or marketing claims.
5. Should either the member making the complaint or the member about whom the complaint is made consider that the matter has not been resolved, then the Secretariat may seek a decision from ESSNA officers. If officers deem it necessary, the Secretariat may also convene a full meeting of the members further to consider the issue and reach a conclusion.
6. The Secretariat shall ensure that the officers are kept informed of developments throughout these processes.
7. Only once the above steps have been taken should ESSNA or a member company seek to publicise such complaints in the public domain.

Member companies who do not seek to resolve such complaints through the above procedures prior to putting matters into the public domain may have their membership revoked by decision of the ESSNA officers.

## Application for Membership

Name of company/organisation:

Contact name:

Contact address:

Telephone:

Email:

I confirm that the above named company/organisation will subscribe to the aims of the Alliance as a

Full Member  (please tick one box)

Associate Member

And will pay the agreed fees on receipt of an invoice.

Signed:

Date:

Please return to:

Sam Blainey  
European Specialist Sports Nutrition Alliance  
305 Metal Box Factory, 30 Great Guildford Street, London SE1 0HS, UK

Tel: +44 (0) 20 7463 0689  
Email: Samuel.Blainey@essna.com