

## Introduction

ESSNA is a pan-European trade association with more than 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, as well as improve the reputation of the sector with regulators and the public.

## 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 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 framework became applicable in July 2016.

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 the voice of the sports nutrition sector in Europe.

ESSNA enters into discussion with key stakeholders at the European and national levels on a regular basis. It plays a vital role in ensuring that the sports nutrition sector's voice is heard in all important debates and discussions in and across the EU.



## Developing policy

ESSNA also ensures that its members understand the complexity of EU procedures. New regulations or directives which affect all 28 Member States (and will likely affect UK policy-making in this field even after Britain leaves the EU) are made based upon proposals from the European Commission (EU civil service), to the Council of Ministers (political representatives of the 28 Member State 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 stakeholders 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 a whole range of matters related to how businesses manufacture, advertise and sell their sports nutrition products, from the Food Information to Consumers Regulation that covers labelling through to the Additives Regulations governing what goes in them.

Key officials and political thought leaders actively seek ESSNA's views on these issues: 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.

Our members are vital to developing ESSNA's positions. ESSNA organises and runs a number of Working Groups (WGs), which are smaller, member-driven forums to allow members to discuss specific issues, share expertise and help set the direction of ESSNA's work. We currently run four WGs on:

- Protein Labelling
- Amino Acid Regulatory Policy
- Nutrition and Health Claims
- Non Compliance

## Ensuring a level playing field and improving the sector's reputation

ESSNA, with the support of members, has also implemented a structured programme of activity (known as the Non-Compliance campaign) 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.

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.

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.

In May 2017, ESSNA began a consumer-facing education campaign following requests from policy-makers, journalists and members on ESSNA's efforts to educate consumers on the use of sports nutrition products. As part of this campaign we have produced a new ESSNA kitemark that members can now use on their websites, product packaging and other forms of consumer-facing communications. The aim of this kitemark is to allow you to publicly identify yourself as an ESSNA member, emphasising your commitment to quality and consumer safety, and elevating you above the rest of the industry – ultimately leading to increased sales.



## Our Success to Date

ESSNA can be proud of what it has achieved to date. Not only has it grown to be a respected trade association, known for its responsible and informed positions on key issues, but it has also delivered substantial results for its members:

- We blocked introduction of a flawed draft directive on sports nutrition products
- We have achieved a significant liberalisation of the law covering sports nutrition in the EU, as well as welcome regulatory certainty for businesses operating in this sector
- We have substantially improved the image and perception of the sports nutrition industry with EU authorities, Member State governments, regulators, enforcers and consumers – who all now accept that the sector is responsible, that its products are safe, and that they are appropriate for the mass market
- We have boosted the credibility of ESSNA and its members by strengthening ESSNA's own internal requirements for compliance with the law underscoring 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 dealt with well over 200 cases of non-compliance, the vast majority of which has been resolved or reported to the competent authorities – ensuring a level playing field for businesses in the industry who obey the law
- We have engaged with companies, regulators and enforcement authorities across Member States to emphasise the work that ESSNA and its members are doing to protect consumers across the EU and to ask for their assistance in targeting those companies who break the law
- 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
- We have held meetings and been at events across the EU, providing forums for ESSNA members to network with each other and develop important commercial relationships
- On Nutrition and Health Claims, we have taken the initiative to apply for sector-specific health claims on behalf of our members, allowing sports nutrition businesses to say more about what their products do
- On Additives, we continually engage with EU authorities to ensure that our members have certainty over what they can put into their products
- Our work on social media has led to increased visibility and enabled us to rapidly highlight ESSNA's response to stories
- We have built the links between the sports nutrition industry and anti-doping authorities throughout Europe, working once again to improve the reputation of the sector in a controversial field

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

## Membership

Membership of the Alliance is open to any business operating in the sports nutrition sector, on approval by ESSNA's officers, on agreement to comply with ESSNA's Code of Practice and on payment of an annual membership fee dependent on business size. The bands of membership levels are as follows:

Band	Total company income level per year	Membership fee
Introductory <sup>1</sup>	Under £250,000	£2500
A	£250,000 - £500,000	£4500
B	£500,00 to £5m	£5250
C	£5m-£10m	£6000
D	£10m+	£6750

Members who are actively involved in EU markets 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. **An application form is on the final page of this background paper.**

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

## 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.

<sup>1</sup> The introductory band will be available for new members only who can demonstrate to ESSNA officers that they are of the specified size. It would be time-limited for one membership year (12 months) per member: after the expiration of this membership year, those companies that wish to remain ESSNA members would be expected to slot into one of the other four remaining bands.

The Whitehouse Consultancy Ltd ([www.whitehouseconsulting.co.uk](http://www.whitehouseconsulting.co.uk)) was 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 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.

## **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 updated in August 2017.

## Protocol Adopted by ESSNA Members

**Coming into force on 1st August 2007 and amended at the Annual General Meeting of 27th 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:

Membership band:

I confirm that the above-named company/organisation will subscribe to the aims of the Alliance.

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

Signed:

Date:

Please return to:

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