

# TDMR EUROPE CODE OF PRACTICE

MARCH 2021

## Background

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Total Diet & Meal Replacements Europe (TDMR-Europe) is the trade body for companies who manufacture and/or market specialist Total Diet Replacement (TDR) and Meal Replacement (MR) products designed for use in weight loss and for weight maintenance.

Membership of TDMR-Europe comes with an expectation of high ethical and moral standards over and above the understanding of the necessity of being aware of and complying with the laws relating to the manufacture, distribution, sale and marketing of TDR and MR products.

This Code of Practice ("The Code") is designed to steer companies through TDMR-Europe's ethical standards and regulatory requirements. The Code is also here to help Members make good decisions.

The principles outlined are not meant to be full explanations of applicable laws, policies or procedures. Members are responsible for understanding and complying with the legislation and for asking questions when they are uncertain about the meaning of The Code.

The intention is to establish a baseline minimum of business practices that a Member company can be measured against and held accountable for.

## Principles of the code

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Members of TDMR-Europe will:

- Work to achieve the highest standards and will offer their products and programme respecting fair business practices. They will endeavour to deal fairly with consumers, customers, suppliers and competitors;
- Act responsibly and with integrity;
- Comply with all applicable laws and regulations, including competition laws. *An outline of applicable laws and regulations can be found in **Annex 1**. A copy of the organisation's Antitrust Declaration can be found in **Annex 2**;*
- Enable consumers to make informed choices about the weight managements products and services they purchase;
- Encourage other companies to operate in accordance with the principles of this Code to improve the reputation of the industry.

TDMR-Europe will endeavour to maintain and improve the quality of our work through constant review of our aims, activities and outcome. We will undertake to promote co-operation within the sector and between Members, their customers and suppliers. In doing so, we will seek to identify and apply good practice.

## Transparency and Openness

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- Members and the Secretariat will be clear and precise about their identity, the industry and sector they represent. We will follow the rules of any public body to which we make representation and, where appropriate, seek guidance from the public body on any rules of relevance.

- TDMR-Europe will endeavour to represent the common interest of all members. Where there is a diverging opinion within the membership, the Group will seek to present a balanced case respecting the different interests involved. Where appropriate, the Group will work with non-members and other associations in allied sectors on matters of joint concern.
- The Group will use reasonable endeavour to ensure the truth and accuracy of any statements made or information provided to any third party in order to never knowingly make false or misleading claims or misrepresent the views of others.

## Confidentiality

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- We will always try to maintain commercial confidentiality, and also protect all personal information received in the course of providing business services.
- We shall take reasonable endeavours to safeguard the confidence of all Members and past Members and shall not disclose these confidences to their disadvantage or prejudice unless the Member has released such information for public use or has given permission for disclosure.

## Raising Concerns/ Disciplinary Actions

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- To preserve the organisation's reputation, all Members agree to abide by the principles outlined in The Code at all times. We also have a duty to help others understand and comply with The Code, and to report possible violation, as well as an obligation to hold our colleagues responsible to the standards of The Code. If you observe behaviour that may represent a violation of our Code, please raise the issue with the Secretariat.
- When it appears that a Member has violated The Code, the Secretariat will seek to resolve the issue informally with the Member concerned at first instance. Should informal discussions fail to resolve the issue – particularly in the event of a continuation of a serious violation – the Chair of the organisation will be consulted to determine how compliance can be achieved. If the violation persists, the Chair will consider whether membership should be suspended.
- Questions and concerns related to The Code will be held in as much confidence as possible. Information will be shared only with those individuals who are required to investigate the matter.
- The Secretariat will take every precaution to ensure the identity of those involved is released only to those individuals related to the matter itself. The Secretariat is obligated to keep matters related to The Code confidential.

## Revision of The Code

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- This code will be reviewed annually.

## Definitions

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- **Meal replacement** means food presented as a replacement for one or two of the main meals of the daily diet.
- **Total diet replacement for weight control** means food specially formulated for use in energy restricted diets for weight reduction which, when used as instructed by the food business operator, replaces the whole daily diet.

**Low calorie diet** is a statement which may be used for total diet replacement for weight control products provided that the energy content of the products is between 3 360 kJ/day (800 kcal/day) and 5 040 kJ/day (1 200 kcal/day).

**Very low calorie diet** is a statement which may be used for total diet replacement for weight control products provided that the energy content of the product is below 3 360 kJ/day (800 kcal/day).

## About Us

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Total Diet & Meal Replacements Europe (TDMR-Europe) is a trade body for manufacturers and distributors of TDRs (both VLCD and LCD) and MRPs, set up to campaign for appropriate policy and legislative outcomes for slimming foods.

Our members provide weight loss and weight management programmes designed for the overweight and obese based on:

- Very Low Calorie Diets (VLCDs) containing less than 800 kcal per day;
- Low Calorie Diets (LCDs) containing between 800 - 1200 kcal per day; and
- Meal Replacements products containing between 200 – 250 kcal per serving.

Members of the Group currently operate in countries such as Belgium, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Ireland, the Netherlands, Poland, Slovakia, Spain, Sweden and the United Kingdom.

Internationally, our Members' programmes are also available in Australia, Singapore, Malaysia, India, Vietnam, Hong Kong, United Arab Emirates, Kuwait, Qatar, Oman, Kingdom of Saudi Arabia, Bahrain, Jordan, Turkey, Nigeria, Uganda, South Africa and Mexico.

## Contact Us

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# Annex 1 – Applicable legislation and standards

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The rules and regulations outlined below are not meant to be full explanations of applicable laws, policies or procedures. Members are responsible for understanding and complying with the legislation and for asking questions when they are uncertain about the meaning of The Code.

The intention is to steer companies through the applicable provisions and to establish a baseline minimum of business practices that a Member company can be measured against and held accountable for.

## 1. PRODUCT COMPOSITION

**1.1** Product composition is covered by a vast body of food legislation, from general food safety requirements, rules on additives, flavourings or enzymes to product specific legislation. The [General Food Law Regulation \(EC\) 178/2002](#)<sup>1</sup> provides the framework for all food legislation. A key requirement is that all food placed on the market must be safe, i.e. it must not be injurious to health or unfit for human consumption. Food business operators are also required to put in place procedures which manage food safety within their establishment. Such procedures must be based upon the HACCP (Hazard Analysis and Critical Control Point) principles set out in [Regulation 852/2004](#)<sup>2</sup>.

**1.2 Total diet replacement for weight control** are currently covered by [Regulation \(EU\) No 609/2013](#)<sup>3</sup> of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and must comply with the general compositional and information requirements therein.

**1.3** Specific compositional and information requirements for those products are outlined in [Commission Delegated Regulation \(EU\) 2017/1798](#)<sup>4</sup> of 2 June 2017 supplementing the above-mentioned act. This Regulation will, however, only apply from 27 October 2022 once the five-year transition has expired.

**1.3.1** In the meantime, compositional and labelling criteria for low calorie diets (i.e. total diet replacement for weight control products between 3 360 kJ/day (800 kcal/day) and 5 040 kJ/day (1 200 kcal/day)) are provided by [Commission Directive 96/8/EC](#) of 26 February 1996 on foods intended for use in energy-restricted diets<sup>5</sup> for weight reduction. The compositional criteria include requirements on energy, protein quantity and quality, fat quantity and type, minimum and maximum levels for dietary fibre and minimum levels for certain vitamins and minerals.

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<sup>1</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. OJ L 31, 01/02/2002, p. 1–24

<sup>2</sup> Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs. OJ L 139, 30/04/2004, p. 1–54

<sup>3</sup> Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009

<sup>4</sup> Commission Delegated Regulation (EU) 2017/1798 of 2 June 2017 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control. OJ L 259, 7.10.2017, p. 2–10

<sup>5</sup> Commission Directive 96/8/EC of 26 February 1996 on foods intended for use in energy-restricted diets. OJ L 055, 6.3.1996, p.22

Some consideration should also be given to the Codex Alimentarius standard for formula foods for use in weight control diets ([CODEX STAN 181-1991](#))<sup>6</sup>.

1.3.2 Very low calorie diets (i.e. total diet replacement for weight control products provided below 3 360 kJ/day (800 kcal/day)) should comply with the general requirements of Regulation (EU) No 609/2013 and any applicable national legislation or guidance. Some consideration should also be given to the Codex Alimentarius voluntary reference standard for formula foods for use in very low energy diets for weight reduction ([CODEX STAN 203-1995](#))<sup>7</sup>.

1.4 Nutritional substances such as vitamins, minerals, amino acids and others that may be used in the manufacture of total diet replacements are laid in the Union list of substances included in an Annex to Regulation (EU) No 609/2013. The Union list will however only start to apply when the corresponding provisions in the Delegated Regulation (EU)2017/1798 become applicable. In the meantime, products should comply with [Commission Regulation \(EC\) No 953/2009](#) of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses<sup>8</sup>.

1.5 **Meal replacements for weight control** are not covered by product specific legislation, but are regulated solely under [Regulation \(EC\) No 1924/2006](#) of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods<sup>9</sup>. Two health claims are currently authorised for meal replacements and both claims provide specific compositional requirements within their conditions on use (CoU)<sup>10</sup>.

1.6 Particular attention should also be paid to:

1.6.1 **Novel foods/ ingredients**<sup>11</sup> (i.e. foods and food ingredients that have not been used for human consumption to a significant degree **in the EU** before 15 May 1997). Food business operators can place a novel food on the European Union market only after the European Commission has processed an application for the authorisation of a novel food and has adopted an implementing act authorising the placing on the market of a novel food and updating the Union list.

As with other novel foods, traditional foods from a third country can only be placed in the European Union market after the European Commission has processed a notification, has adopted an implementing act authorising the placing on the market of the traditional food and updated the Union list.

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<sup>6</sup> Codex Standard for formula foods for use in weight control diets (CODEX- STAN – 181-1991).

<sup>7</sup> Codex Standard for formula foods for use in very low energy diets for weight reduction (CODEX STAN 203-1995)

<sup>8</sup> Commission Regulation (EC) No 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses, OJ L 269, 14.10.2009, p. 9–19.

<sup>9</sup> Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods. OJ L 404, 30.12.2006, p. 9–25

<sup>10</sup> [Commission Regulation \(EU\) 2016/1413](#) of 24 August 2016 amending Regulation (EU) 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and children's development and health.

<sup>11</sup> [Regulation \(EU\) 2015/2283](#) of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001. OJ L 327, 11.12.2015, p. 1–22

Further information, including links to the Union list and the Novel Food Catalogue can be found at: [https://ec.europa.eu/food/safety/novel\\_food\\_en](https://ec.europa.eu/food/safety/novel_food_en)

**1.6.2 Additives<sup>12</sup>, flavourings<sup>13</sup>, smoke flavourings<sup>14</sup>, food enzymes<sup>15</sup> and extraction solvents<sup>16</sup>:** Harmonised European legislation controls the use of food additives, flavourings, smoke flavourings, food enzymes and extraction solvents in the EU. In general, all the above substances are controlled through positive lists e.g. only authorised substances can be used in food and substances must meet specific conditions of use. For food enzymes work is underway to establish a positive list. To facilitate compliance, a number of databases have been made available by the European Commission. Further information can be found on the European Commission website at: [https://ec.europa.eu/food/safety/food\\_improvement\\_agents\\_en](https://ec.europa.eu/food/safety/food_improvement_agents_en)

**1.6.3 Contaminants<sup>17</sup>.** Contaminants are substances that have not been intentionally added to food but that may be present in food as a result of the various stages of its production, packaging, transport or holding. Maximum levels have been set for the contaminants of greatest concern to EU consumers including mycotoxins (aflatoxins, ochratoxin A, fusarium-toxins, patulin), metals (cadmium, lead, mercury, inorganic tin), dioxins and PCBs, 3-MCPD and melamine. The full catalogue of contaminants can be found at: [https://ec.europa.eu/food/safety/chemical\\_safety/contaminants/catalogue\\_en](https://ec.europa.eu/food/safety/chemical_safety/contaminants/catalogue_en)

**1.7** Many areas of food law have been harmonised at EU level but there remain a number of issues that are dealt with at national level. Members shall take appropriate legal advice when selling a product on the EU market –whether via traditional distribution channels or via distance selling - to ensure that due account is taken of the applicable legislation in the EU countries where the product is launched.

## 2. PRODUCT LABELLING AND ADVERTISING

**2.1** Members are required to ensure compliance with labelling legislation, and in particular [Regulation 1169/2011](#) on the provision of food information to consumers (FIC)<sup>18</sup>. It is worth noting that in addition to general labelling legislation some additional and/or specific requirements apply to certain categories of foods/substances e.g. total diet replacements, novel foods/ingredients. Members should consult the legislation relating to their own products to determine any specific requirements.

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<sup>12</sup> [Regulation \(EC\) No 1333/2008](#) of the European Parliament and of the Council of 16 December 2008 on food additives. OJ L 354, 31/12/2008, p. 16–33.

<sup>13</sup> [Regulation \(EC\) No 1334/2008](#) of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC. OJ L 354, 31/12/2008, p. 34–50.

<sup>14</sup> [Regulation \(EC\) No 2065/2003](#) of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods. OJ L 309, 26/11/2003, p. 1–8.

<sup>15</sup> [Regulation \(EC\) No 1332/2008](#) of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97. OJ L 354, 31/12/2008, p. 7–15

<sup>16</sup> [Directive 2009/32/EC](#) of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients. OJ L 141, 06/06/2009, p. 3–11.

<sup>17</sup> [Commission Regulation \(EC\) No 1881/2006](#) of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs. OJ L 364, 20.12.2006, p. 5–24

<sup>18</sup> 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, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004

2.2 Whilst it is not possible to list all the labelling requirements within this Code, Members must ensure that all mandatory particulars – as provided in Article 9 of Regulation 1169/2011 – are marked on their labels, in particular:

2.2.1 the name of the food - The name of the food shall be its legal name. In the absence of such a name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

2.2.2 a list of ingredients (i.e. any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as 'ingredients'). The list of ingredients shall include all ingredients in descending order of weight, as recorded at the time of their use in the manufacture of the food. Additives and enzymes must be designated by the name of the category to which they belong (e.g. acid, colour, sweetener etc.), followed by their specific name or, if appropriate, E number.

2.2.3 a nutrition declaration. Members should hold documented evidence of what appears on the nutrition declaration.

2.3 All information on packs must be legible. A minimum font size of 1.2mm (0.9mm for packs under 80cm<sup>2</sup> in size) is foreseen by the FIC Regulation.

2.4 Food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed.

2.5 Information provided should be factually true and not misleading. Food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.

2.6 Any food supplied through distance selling (e.g. internet) must meet the same information requirements as food sold in shops. This means that all the relevant mandatory food information listed above must also be available before the purchase is concluded, with the exception of a date of minimum durability/'use-by' date, and the information must appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator. All mandatory particulars must be available at the moment of delivery.

2.7 The latest guide on the application of the FIC can be found at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2018:196:FULL&from=EN>.

2.7.2.8 It is important to note that **specific labelling requirements for total diet replacements for weight control** are laid down in Regulation (EU) No 609/2013, Delegated Regulation (EU)2017/1798 (applicable as of 27<sup>th</sup> October 2022) and Commission Directive 96/8/EC. Those requirements prevail over any conflicting requirement of general food law. Requirements include:

2.7.42.8.1 The name of the food should be: 'Total diet replacement for weight control'



2.7.22.8.2 The labelling must include:

- the available energy value expressed in kJ and kcal, and the content of proteins, carbohydrates and fat, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption;
- the average quantity of each mineral and each vitamin for which mandatory requirements are provided, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption.
- instructions for appropriate preparation, where necessary, and a statement as to the importance of following those instructions;
- if a product, when used as instructed by the manufacturer, provides a daily intake of polyols in excess of 20 g per day, there shall be a statement to the effect that the food may have a laxative effect;
- a statement on the importance of maintaining an adequate daily fluid intake; and
- a statement that the product provides adequate amounts of all essential nutrients for the day; and
- a statement that the product should not be used for more than three weeks without medical advice.

2.82.9 The labelling, advertising and presentation of the products concerned cannot make any reference to the rate or amount of weight loss that may result from their use.

2.92.10 When making a voluntary nutrition or health claim, Members must comply with the requirements of Regulation (EC) No 1924/2006 on nutrition and health claims made on food (NHCR). This obligation applies to all commercial communications, including social media campaigns and packaging/labelling.

2.10 Members can only use those nutrition and health claims that have been expressly approved at the EU level, provided they comply with the specific conditions of use attached to each claim. Authorised claims can be found on the EU Register of claims:  
[https://ec.europa.eu/food/safety/labelling\\_nutrition/claims/register/public/?event=register.home](https://ec.europa.eu/food/safety/labelling_nutrition/claims/register/public/?event=register.home)  
<http://ec.europa.eu/nuhclaims/>

2.11

2.10.12.11.1 It is important to note that health and nutrition claims will be prohibited on total diet replacements products from 27 October 2022, except for a nutrition claim on 'added fibre' for products with a dietary fibre content of at least 10 g.

2.112.12 Some flexibility of wording is possible provided that the same health relationship is likely to be understood by the average, reasonably well-informed and reasonably circumspect consumer, taking into account factors such as linguistic and cultural variations and the target population.

2.122.13 Provided they comply with the general requirements of the NHCR, Members can also use those claims that are still under evaluation at EU level. A list of such claims is also available in the EU Register of claims.

2.132.14 On the contrary, claims that have not been specifically authorised or for which no application has been submitted must be immediately removed from all commercial communications.

### 3. OTHER COMMERCIAL PRACTICES, E-COMMERCE/DISTANCE CONTRACTS REQUIREMENTS

3.1 Members must ensure compliance with [EU Directive 2005/29/EC](#) concerning unfair business-to-consumer commercial practices, and the applicable national laws transposing this Directive. Unfair commercial practices are those which:

- do not comply with the principle of professional diligence (i.e. the standard of special skill and care that a trader may reasonably be expected to exercise towards consumers, commensurate with honest market practice and/or the general principle of good faith in the trader's field of activity);
- may influence consumers' transactional decisions (i.e. any decision taken by a consumer concerning whether, how and on what terms to purchase, make payment in whole or in part for, retain or dispose of a product or to exercise a contractual right in relation to the product, whether the consumer decides to act or to refrain from acting).

3.2 The Directive on better enforcement and modernisation of EU consumer protection rules ([Directive \(EU\) 2019/2161](#)) amended Directive 2005/29/EC concerning unfair business-to-consumer commercial practices to add a number of banned practices. These include providing search results in online search queries without clearly disclosing any paid advertisement; stating that reviews of a product are submitted by consumers who have actually used the product without reasonable and proportionate steps to check if this is the case; and submitting false consumer reviews or commissioning others to submit them. The Directive entered into force in January 2020. The transposition deadline is 28 November 2021 and Member States are required to apply the new measures from 28<sup>th</sup> May 2022.

3.3 Members must also comply with [Directive 2011/83/EU](#) on consumer rights<sup>19</sup>, which harmonises provisions concerning consumer protection in all contracts concluded between a consumer and a trader, including distance contracts. When offering goods over the internet, Members should also pay attention to the relevant requirements of [Directive 2000/31/EC](#) on electronic commerce<sup>20</sup>.

3.4 Essential pre-contractual information that must be given to consumers – in particular for distance contracts – includes, amongst other details:

- Your identity including sufficient detail for the consumer to be able to identify the business they are dealing with (i.e. the geographical address at which you are established and, where available, your telephone number, fax number and e-mail address, to enable the consumer to contact you quickly and communicate efficiently. When you are acting on behalf of another trader, the geographical address and identity of that other trader must also be given).

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<sup>19</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council. OJ L 304, 22/11/2011, p. 64–88.

<sup>20</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'). OJ L 178, 17/07/2000, p. 1–16.

- A description of the main characteristics of the goods or services you are offering.
- The price of the goods or services you are offering, including all taxes (pre-ticked boxes for additional payments are not permitted).
- Details of any delivery costs.
- Details of how payments can be made.
- The arrangements for delivery or performance of the service, for example when consumers can expect delivery of the goods. Goods should be delivered within 30 days unless the parties agree to a different period.
- Information about a consumers' right to cancel (14 days cancellation period).
- For how long the price or the offer remains valid.

3.5 The pre-contractual information can be given by any method appropriate to the form of distance communication you are using to agree the contract, providing it is clear and comprehensible. For example, this information can be provided on a website if you sell goods or services over the internet (in which case the Directive on electronic commerce also applies) or appear in a catalogue for goods or services sold by mail order.

3.6 The Directive on better enforcement and modernisation of EU consumer protection rules ([Directive \(EU\) 2019/2161](#)) amended the Directive on consumer rights and stipulates that consumers have to be informed of the main parameters determining ranking of products in searches and the relative importance of those parameters. They also have a right to be informed if the price was personalised on the basis of automated decision-making.

3.7 After making a purchase, consumers must be sent confirmation in writing, or in another durable medium (email).

3.8 Members should be aware that these Directives may have been implemented differently across the EU. Particular attention should therefore be paid to the national legislation of the countries that are specifically targeted by the offers.

3.9 Members should take all practical steps to ensure the security of personal (customers') data is maintained and that such data is only used in accordance with the law and in particular Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

## Annex 2 - Antitrust/Competition Law Compliance Declaration

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Total Diet & Meal Replacements Europe (TDMR-Europe) is the trade body for companies that manufacture and/or market specialist Total Diet Replacement (TDR) and Meal Replacement (MR) products designed for use in weight loss and for weight maintenance.

The purpose of TDMR-Europe is to:

- represent the interests of its Members on legislation, regulations, taxation and policy matters likely to affect them, to Government, the European Commission and other public bodies
- promote and protect the interests of its Members in the media
- collect and disseminate statistics and market information, and information about legislation and Government policy
- provide input on laws, regulations and procedures applicable to the slimming foods
- develop communications to ensure slimming food businesses are aware of these developments.

Through its meetings and other activities TDMR-Europe brings together representatives of competitors from the slimming foods industry. The subject matter of TDMR-Europe's activities is of regulatory and technical nature and there is no attempt to restrain competition in any manner.

TDMR-Europe takes the opportunity, through this "Competition Law Compliance Declaration", to make clear its Members' and attendees' unequivocal support for the policy of competition served by antitrust /competition laws and their uncompromising intent to comply strictly in all respects with these laws. Any conduct that is contrary to the applicable antitrust/competition laws is contrary to TDMR-Europe policy.

It shall be the responsibility of every Member and participant of the Group to be guided by TDMR-Europe policy of strict compliance with the antitrust/competition laws in all TDMR-Europe activities. Antitrust compliance is the responsibility of every TDMR-Europe Member.

Any knowing violation of the "Competition Law Compliance Declaration" by a TDMR-Europe Member will result in the termination of that Member's membership and removal from any TDMR-Europe Member activity.

The rules of this "Competition Law Compliance Declaration" apply to all Members, attendees, working groups and other meetings organised by the Group as well as to all meetings attended by the representatives of the organisation.

The following rules are applicable to all TDMR-Europe Member activities and must be observed in all situations under all circumstances without exception or qualification:

1. The general meetings, any working group or activity of TDMR-Europe Member shall not be used for the purpose of bringing about or attempting to bring about any understanding or agreement, oral or written, formal or informal, expressed or implied, among competitors with regard to prices, costs, bids, terms or conditions of sale, distribution, volume of production, markets, territories, or customers.
2. Members of TDMR-Europe are required to avoid exchanging or discussing, either directly or indirectly through an intermediary, the following matters in any oral discussions or written correspondence with other Members or with any other person from another company:
  - current or future prices, discounts, surcharges, price structures or classifications, losses, profits, expenses or other costs of doing business; current or future product design or coverage; any current or future terms of sale or other marketing practices; or any other aspects of the operations of any individual company;
  - prices or labour rates charged by, or boycotting or refusing to deal with certain, suppliers or service providers;
3. No TDMR-Europe Member activity or communication shall include discussion for any purpose or in any manner of pricing methods, production levels or other limitations on either the timing, costs or volume of production or sale, or allocations of markets, territories or customers.
4. No TDMR-Europe Member activity or communication shall include any discussion, which might be construed as an attempt to prevent any business entity from obtaining a supply of goods or otherwise purchasing goods or services freely in the market.
5. In conducting TDMR-Europe Member meetings, the Secretariat shall prepare and follow a formal agenda. The agenda should be specific and avoid topics that may cause antitrust problems such as price, production and selection of customers or suppliers. In addition, any discussion of pricing, discounts, credit terms, refusals to deal or allocation of markets shall be avoided. All participants at the meeting shall adhere strictly to the agenda.
6. Minutes of the meeting shall be distributed to all Members. Approval of the minutes shall be obtained at the next meeting.
7. Speakers at meetings shall be informed of the necessity to comply with TDMR-Europe's antitrust policy.
8. During informal discussions at the site of a TDMR-Europe Member meeting, but beyond control of its Chairperson or the Secretariat, all Members and attendees shall observe the same rules that are defined by this "Competition Law Compliance Declaration".
9. If competition law/ antitrust problems arise with a Member's company activities, this Member should promptly consult the Secretariat on any matters of concern.
10. Antitrust laws and enforcement policies change from time to time based on new court decisions or other events. In addition, nearly every national jurisdiction has its own national antitrust laws. Accordingly, every member should consult their legal counsel whenever antitrust concerns or other competitive problems arise.

## Competition Law Compliance Declaration

The signing company declare its support for the policy of competition served by all applicable antitrust/competition laws, and its intent to comply strictly with these laws wherever the TDMR-Europe member holds its meetings and activities.

Member Company:

Company's Representative (full name in block letters):

Signature: