Food supplements: approximation of the laws of the Member States

2000/0080(COD) - 03/12/2001 - Council position

In general, the Council has followed the Commission's amended proposal. It has accepted - either in whole or in substance - the sixteen amendments adopted at first reading by the European Parliament as set out by the Commission in its amended proposal. The other European Parliament amendments which were not incorporated into the Commission's amended proposal have also been omitted by the Council. However, the idea expressed in 3 amendments according to which some vitamins and substances currently marketed but not covered in the Annex should undergo scientific evaluation, has been taken into account to some extent. The main innovations introduced by the Council relate to: 1) the setting of quantities of food supplments: Article 5 ensure a balanced approach guaranteeing both the safety of such supplements and due regard for reference intakes of the population; 2) authorisation of the placing on the market of existing food supplements not listed in Annex I or II: Article 4(6) and (7), in conjunction with Article 15 on the text's entry into force, aims to allay the concern of participants in this market by laying down clear procedures and time limits for all current supplements not listed in Annexes I or II to the text, thereby reassuring both industry and the consumer; 3) the revision of the Directive: Article 4(8) establishes an amendment procedure after a period of 5 years, which will enable the Commission usefully to take stock of the implementation of the Directive, particularly with regard to its scope, and to propose amendments if necessary. Furthermore, the Council has considered that the obligation to provide information when a product is placed on the market is ultimately the responsibility of the Member States. Lastly, it has introduced a clause providing for the possibility of the participation of the Standing Committee on Foodstuffs in order to specify the procedures for implementing Articles 7 and 8 on labelling, presentation and advertising of food supplements. The Council considers that the common position responds to a large extent to the basic wishes expressed by the European Parliament, while at the same time taking sufficient account of the concern expressed by Member States, inter alia with regard to public health and/or Community harmonisation. The Council considers that the common position achieves a good balance between the prerequisites for the proper functioning of the single market and consumer protection /information.