Food supplements: approximation of the laws of the Member States

2000/0080(COD) - 07/12/2001 - Commission communication on Council's position

The Commission is of the opinion that the common position is a carefully balanced compromise, in particular on the issue of the criteria to be used for setting maximum levels for vitamins and minerals in these products. It is in line with the basic principles of food law, namely that food should be safe and properly labelled so that consumers can make an informed choice from a wide range of safe products. The Commission included in the modified proposal those amendments adopted in first reading by the European Parliament that were acceptable. Those amendments remain in the common position in a way that should be satisfactory to the EP. There are three main differences between the modified proposal and the common position: 1) in the common position, the issue of setting maximum limits for vitamins and minerals in food supplements is resolved by providing the scientific risk assessment and intakes from other sources will be primarily factors to be taken into account for the safety of these products, and that in the overall exercise the reference intakes for the population will be given due consideration. While this differs from the Commission proposal, supported by the Parliament, that the reference intakes be taken into account only in the case of some nutrients, the Commission can accept the common position because it strengthens the process of establishing safe maximum levels for vitamins and minerals in food supplements; 2) Article 4.8 of the common position requires the Commission to submit to the European Parliament and the Council, within 5 years from the entry into force of the Directive, a report on the advisability of establishing specific rules on other nutrients or substances with a nutritional or physiological effect, accompanied by any proposals for appropriate legal measures. The Commission can accept the request to submit a report on the subject within a specified time limit while maintaining the right of initiative to propose appropriate measures; 3) Article 4.6 of the common position is new. It foresees a transnational period during which vitamins and minerals and certain of their forms that are not listed in the Annexes but are currently in food supplements marketed in some Member States, may continue to be used until their evaluation by the Scientific Committee for Food and eventual insertion in the Annexes. It was introduced to give effect to an amendment of the European Parliament that was not acceptable in its original form. The Commission supports this new position.