

# Nutrition and health claims made on foods

2003/0165(COD) - 21/04/2005

The committee adopted the report by Adriana POLI BORTONE (UEN, IT) amending the proposal under the 1st reading of the codecision procedure:

- MEPs voted to delete Article 4 (restrictions on the use of nutrition and health claims) on the grounds that establishing specific nutrient profiles which products must respect in order to bear nutrition or health claims could discriminate against individual products, which would be classified as "good" or "bad". They argued that it is not so much the composition of the product that matters as the use made of it and above all the balance of a person's diet;
- although the committee was in favour of tougher scientific requirements for nutritional and health claims, it wanted the authorisation procedure proposed by the Commission to be replaced by a less onerous notification procedure. In other words, rather than going through a lengthy authorisation procedure, manufacturers or importers would inform the authorities if they planned to start selling a product making nutritional claims. It would then be up to the authorities to object or issue a ban within a nine month period. MEPs also said that modern communication methods, including e-mail, should be used in the notification procedure in order to simplify matters administratively;
- although the Commission wanted to ban certain health claims explicitly, MEPs would be less restrictive. They wanted to allow claims about weight (slimming or appetite control, energy values, etc.) and about the advice of health professionals, provided these are scientifically substantiated and notified in accordance with the regulation. However, they introduced a new clause banning claims targeted directly at children;
- as regards the scope of the regulation, the committee would explicitly exclude wine, natural mineral water and publicity campaigns for agricultural products, which are already covered by other legislation, as well as trade marks;
- the committee introduced a new article tightening up data protection. If producers have to reveal industrial secrets to comply with the scientific requirements, they will be protected by intellectual property law;
- to ensure that small and medium-sized businesses are not penalised by the new system, they should be granted special aid to help in preparing the documentation;
- the regulation should be reviewed three years after its adoption, rather than six years as proposed by the Commission, and its impact on public health should also be evaluated;
- lastly, there should be an 18-month transitional period, rather than 6 months as proposed by the Commission, so that food placed on the market prior to the regulation's entry into force can continue to be sold until the end of its shelf life.