Nutrition and health claims made on foods

2003/0165(COD) - 26/05/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report drafted by Adriana POLI BORTONE (UEN, IT) and confirmed many of the amendments which were voted through in committee. (Please see the document dated 21/04/2005.) In particular, Parliament voted to delete Article 4 on nutrient profiles. The resolution was adopted by 458 votes in favour, 116 against and 15 abstentions. The amendment deleting the compulsory nutrient profiles was adopted by 303 votes in favour, 286 against and 10 abstentions. The following should be noted:

- a new recital states that “a varied, balanced diet is a prerequisite for good health. Products taken separately are only of relative importance compared to diet as a whole and diet is only one among many factors which influence the development of certain diseases in humans. Other factors such as age, genetic predisposition, the level of physical activity, use of tobacco and other drugs, environmental exposure and stress can also play a role in triggering human diseases. These factors must all be taken into account in the recommendations drawn up by the European Union in the area of health;

- a further recital states that the needs of the European food industry, and in particular those of SMEs, should be taken into account in order to ensure that innovation and competitiveness are not undermined;

- Parliament states that the Regulation will not apply to foods which are presented and sold loose, that is, without packaging, and shall not apply to fruit and vegetables (fresh produce);

- Parliament deleted a clause in the Commission’s text stating that the use of nutrition and health claims shall only be permitted if the average consumer can be expected to understand the beneficial effects as expressed in the claim;

- Parliament changed the procedure for authorisation to a notification procedure, where manufacturers or importers would only have to inform the authorities if they plan to start selling a product making nutritional claims. It would then be up to the authorities to object or issue a ban;

- notification will be made by normal post or, preferably, using modern communication techniques (including e-mail), by the manufacturer when the product is first placed on the market or, in the case of a product manufactured in a third country, by the importer.

- a new clause on intellectual property rights is added;- 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;

- application of the Regulation should not occur until 18 months after its entry into force, rather than six;

- finally, Parliament added particular points to the draft regulation concerning small and medium size enterprises and children. Nutrition and health claims, unless scientifically substantiated, may not be exclusively directed at children.