

Nutrition and health claims made on foods

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The committee adopted the report by Adriana POLI BORTONE (UEN, IT) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated a number of amendments (sometimes in modified form) that had been adopted by Parliament at 1st reading but had not been taken up by the Council. These sought to: restrict health claims which are exclusively directed at children, as well as health claims referring to weight loss or to recommendations of individual doctors or health professionals, unless scientifically substantiated; take account of the needs of SMEs; ensure that trade marks are not included within the scope of the regulation, on the grounds that this would cause major legal uncertainty and put existing brand-mark owners at a disadvantage; draw attention to the importance of Europe's gastronomic culture; introduce a new clause on intellectual property rights; ensure that the Commission's assessment report looks at the impact of the regulation on public health; and exclude from the regulation "foods which are offered for sale to the final consumer unpacked or packed only at the point of sale (fresh products such as fruit, vegetables or bread)".

On the contentious issue of nutrient profiles, the committee attempted to reach a compromise with the Council, which was reinstating, with modifications, Article 4 of the Commission's proposal (establishing specific nutrient profiles which products must comply with in order to bear nutrition or health claims) which Parliament had deleted at 1st reading. Rather than again proposing that the article be deleted, MEPs in the committee tabled a number of amendments to it designed to ensure that, when nutrient profiles are established, due account is taken of factors such as daily intake of the food in question as well as the dietary habits and consumption patterns in the various Member States. Moreover, when consulting with interested parties in the food industry, the Commission should pay "particular attention" to SMEs.

The committee also tried to find a solution to another contentious point, namely, the authorisation procedure for new claims which Parliament had rejected at 1st reading and which had been broadly reintroduced by the Council. MEPs now proposed a third path between the original authorisation procedure and the simpler notification procedure which Parliament had wanted to put in its place. To simplify the lives of companies in the food industry while not neglecting the interests of consumers, the committee introduced a new article providing for a quicker (6-month) and more flexible registration procedure for health claims which do not refer to the reduction of disease risk or to children's development and health. But the authorisation procedure would still be required for products which do make such claims or where the European Food Safety Agency, which is involved in the procedure, objects to a new registration.