Nutrition and health claims made on foods

2003/0165(COD) - 16/05/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Adriana **POLI BORTONE** (UEN, IT) and made several amendments to the common position. The compromise test was agreed by Parliament, Council and Commission. The resolution was adopted by 614 votes to 8 with 16 abstentions. The key issues were as follows:

Nutritional profiles: the European Commission's original 2003 proposal intended to ban all health claims on products which are rich in sugar, fat or salt. The compromise text has reintroduced the controversial concept of "nutritional profiles" which indicate appropriate ratios of salt, sugar and fat in any given product. Rejected on first reading, the amended text now authorises health claims on products with high sugar, fat or salt levels where a single nutrient exceeds the nutrient profile, and provided that a statement about the specific nutrient appears in close proximity to, on the same side and with the same prominence as the claim. In other words, cereals with high sugar content may continue to boast of being "high in vitamins and minerals" on condition that they are also clearly marked as being "high in sugar content".

It will be the Commission's duty to set salt, sugar and fat ratios for all new products sold on the EU market, which it will do based on information provided by the European Food Safety Authority (EFSA) and in close consultation with industry and consumer groups.

Alcohol: as far asnutrition claimsare concerned, only nutrition claims referring to low alcohol levels, or the reduction of the alcohol content, or the reduction of the energy content for beverages containing more than 1,2 % by volume of alcohol, shall be permitted.Drinks containing over 1.2% alcohol may not give as their only health claim the descriptions "reduction of energy content" or "low alcohol levels". In the absence of specific Community rules regarding nutrition claims referring to "low alcohol levels" or "the reduction or absence of alcohol" or "energy content", relevant national rules may apply.

Register: a register of health claims authorised so far is to be compiled, allowing manufacturers who wish to introduce a product with a particular health claim to consult the register in order to know the rules to be observed and not to have to go through the authorisation process itself. When a producer lodges an application, EFSA must give its opinion within 5 months. If the Authority demands further information from the applicant, a further one month is allowed. Where the Authority, following scientific assessment, issues an opinion in support of the inclusion of the claim in the Register, the Commission must take a decision on the application, taking into account the opinion of the Authority, any relevant provision of Community law and other legitimate factors relevant to the matter under consideration, after having consulted the Member States and within two months of receiving the opinion of the Authority.The scientific data and other information in the application may not be used for the benefit of a subsequent applicant for a period of five years (rather than seven years, as proposed by the Commission) from the date of authorisation

Trade marks: Parliament made a point of protecting existing trade marks which have been given fifteen years (rather than ten)to comply with the requirements of the new Regulation. Parliament also stated that *g* eneric descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, such as "digestive" or "cough drops", will be exempted from the application of the Regulation.

SMEs: to help food business operators, in particular SMEs, in the preparation of the application for scientific assessment, the Commission, in close cooperation with the Authority, shall make available appropriate technical guidance and tools to assist them in the preparation and the presentation of the application for authorisation.

Children:products for children will be subject to the "authorisation" procedure.

Report: the Commission must submit a report on the Parliament and Council within six years of entry into force of the Regulation. The report must also include an evaluation of the impact of the Regulation on dietary choices and the potential impact on obesity and non-communicable diseases.

Further points of the compromise:fresh food such as fruit, vegetables and bread are excluded from the regulation; national rules will apply until (and if) Community standards are adopted. Finally, foods used in a Member State before 1 January 2006 which are not included in the annex can continue to be used for 3 years after the regulation enters into force.