Protection of human health: addition of nutrients to food

2003/0262(COD) - 20/12/2006 - Final act

PURPOSE: to adopt Community rules harmonising national provisions relating to the addition of vitamins and minerals and of certain other substances to foods.

LEGISLATIVE ACT: Regulation 1925/2006/EC of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods.

CONTENT: the Council adopted, with a qualified majority, the Regulation on the addition of vitamins and minerals and of certain other substances to foods, after approving all of the amendments adopted by Parliament at second reading. The Danish delegation voted against the Regulation.

There is a wide range of nutrients and other ingredients that might be used in food manufacturing, including, but not limited to, vitamins, minerals, amino acids, essential fatty acids, fibres and various plants and herbal extracts. Their addition to foods is regulated in the Member States by differing national rules that impede the free movement of these products and creates unequal conditions of competition. This has a direct impact on the functioning of the internal market. The purpose of this Regulation, therefore, is to adopt Community rules harmonising national provisions relating to the addition of vitamins and minerals and of certain other substances to foods.

It does so by harmonising the provisions laid down by law, regulation or administrative action in Member States which relate to the addition of vitamins and minerals and of certain other substances to foods, with the purpose of ensuring the effective functioning of the internal market. At the same time the Regulation seeks to provide a high level of consumer protection.

The provisions of this Regulation will not apply to “food supplements” as set out in Directive 2002/46 /EC. It does, however, refer to:

- food for particular nutritional uses;
- novel food and novel food ingredients;
- genetically modified food;
- food additives and flavourings;
- authorised oenological practices and processes.

The provisions specify that only those vitamins and/or minerals listed in Annex I and Annex II of the Regulation may be added to foods. Vitamins and minerals in a form that is bio-available to the human body may be added to food to take account of:

- a deficiency of vitamins and/or minerals in the population;
- the potential to improve the nutritional status of the population; and
- the evolving acceptable scientific knowledge on the role of vitamins and minerals in nutrition.

Vitamins and minerals will not be allowed in unprocessed foodstuffs nor beverages containing more than 1,2% by volume of alcohols.

The purity criteria for vitamin formulations and mineral substances listed in Annex II will be adopted in accordance with the procedures laid down in this Regulation. In cases where a vitamin and mineral is added to foods, the total amount of the vitamin and mineral present, in the food as sold, will not be allowed to exceed the maximum amounts laid down in accordance with this Regulation.

The labelling, presentation and advertising of foods to which vitamins and minerals may have been added will not include any mention that a balanced and varied diet cannot provide the appropriate quantities of nutrients; nor must the labelling be misleading. The Commission will be responsible for establishing and maintaining a Community Register on the addition of vitamins and minerals and of certain other substances to foods.

On a final point transitional measures are foreseen. They state:

- Member States will be allowed to use vitamins and minerals not listed in Annex I and Annex II until 19 January 2007 provided that the substance in question is used for addition to foods marketed in the Community on 19 January 2007.

- Member States may continue to apply existing national restrictions or bans on trade in foods to which vitamins and minerals not included in the list in Annex I or in the forms not listed in Annex II are added.

ENTRY INTO FORCE: 19 January 2007.

APPLICATION: 1 July 2007.