

**CONSULTATION ON IMPLEMENTATION OF TWO EU REGULATIONS:
NUTRITION AND HEALTH CLAIMS MADE ON FOODS; AND THE ADDITION OF
VITAMINS AND MINERALS AND CERTAIN OTHER SUBSTANCES TO FOOD**

Executive Summary

1. Two new EU Regulations on nutrition and health claims made on foods, and the addition of vitamins and minerals and certain other substances to food, entered into force on 19 January and will apply from 1 July. The Agency recently went out to public consultation on documents associated with the implementation of these Regulations in the UK.

Board Action Required

2. The Board is invited to:
 - **note** the current consultations.

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Issue

1. To inform the board of two consultations the Agency launched on 1 March 2007. These cover:
 - a. Draft Statutory Instruments putting in place offences and penalties to enforce both EU Regulations
 - b. Draft Final Regulatory Impact Assessments for each
 - c. Draft Agency Guidance to compliance with the Regulations

Background

2. EU Regulation 1924/2006 on Nutrition and Health Claims made on foods was a controversial proposal with European Parliament changes to the text up to the last minute. The Regulation was published on 30 December 2006, with a corrigendum that reflects the adopted text published on 18 January. The Regulation will apply from 1 July 2007 and will control the use of nutrition and health claims made within commercial communications. Transitional arrangements are available to help industry adapt to the new requirements.
3. The Regulation has a list of authorised nutrition claims and criteria products must meet to use them. A list of authorised health claims will be developed and the Regulation puts in place two main routes to establish this list. Health claims supported by generally accepted science can be submitted, together with references to the scientific justification, via Member States. The UK invited industry to submit such claims to its list in October 2006. The list will close in early September 2007. Other claims, including claims referring to a reduction in the risk of disease, must be submitted with a dossier of supporting information. All submitted claims will be subject to assessment by EFSA before the final list is adopted by Standing Committee.
4. The Regulation on the addition of vitamins and minerals has not been controversial and is welcomed by industry to facilitate trade within the EU. Consumer protection is by use of authorised vitamins and minerals or their sources, and by provisions to prohibit or otherwise restrict the use of other substances across the EU where a safety concern might be raised.

5. At the close of the consultation period enforcement provisions will be put in place once the SI and accompanying Final RIA for both Regulations have Ministerial approval and Parliamentary consent. We will also publish the Agency guidance, revised in light of the consultation, to help industry and enforcement authorities ensure the Regulation is applied in the most proportionate way possible. This guidance is to help industry comply with the requirements of the legislation; it does not seek to add any additional requirements.