

EU PROPOSALS ON FOOD FORTIFICATION AND THEIR EFFECT ON THE ISSUE OF FOLATE AND DISEASE PREVENTION

The Board has requested information on:

The effect the recently published EC Regulation (1925/2006) on fortification of food might have on the issues of folate and disease prevention, namely (a) restriction of voluntary fortification such as the fortification of spreadable fats with folate, and (b) trading of fortified foods.

Regulation on the Addition of Vitamins and Minerals and certain other Substances to Foods

Voluntary Fortification

The Regulation's technical provisions apply only to voluntary fortification and set conditions including a list of approved substances (which lists folic acid and its source pteroylmonoglutamic acid), provisions to set minimum and maximum amounts on safety grounds, and compulsory nutrition labelling. Provision also exists to restrict voluntary fortification (for example by setting maximum levels) but to introduce restrictions on a unilateral national basis would be acceptable under EU law only if a strong public health case could be made. National restrictions if introduced must then be endorsed at the EU level under a procedure specified in the Regulation. The fundamental principle of harmonisation that underpins this Regulation would be taken into account.

Mandatory Fortification

Mandatory fortification of all wheat flour except wholemeal with folic acid is not provided for in the new EC legislation, and thus would have to be done at the national level. This could be achieved through the Bread and Flour Regulations.

Trade Issues

For the purposes of the new Regulation, the Commission has clarified that food that has been fortified with vitamins or minerals under mandatory provisions in one Member State will, if exported to other Member States, have the protection of the harmonising measures in Regulation (EC) 1925/2006 provided the food and the added vitamin or mineral complies with the technical requirements of that Regulation. These include use of authorised sources of folate and minimum and maximum levels when these are set.

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