



Foreign Agricultural Service

**GAIN Report**

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## **European Union**

# **Food and Agricultural Import Regulations and Standards**

## **Draft Commission Proposal on Nutrition and Health Claims**

**2003**

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### **Report Highlights:**

**A proposal to harmonize nutrition and health claims in the European Union is close to being finalized. The main point of discussion is how to manage the approval of claims**

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Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Brussels USEU [BE2], E2



**Summary.** The Commission's Directorate General for Health and Consumer protection (DG SANCO) has been working on a draft proposal to harmonize nutrition and health claims. Nutrition claims concern the content of the products while health claims concern what the product purports to consumers. The proposal is currently going through inter-service consultations within the Commission, which are expected to be finished by the end of March. In the next stage, the proposal will be sent to the Parliament and the Council. The Commission warned post that the current proposal could raise concerns for the U.S. industry.

Following the consultation with stakeholders back in 2001, DG SANCO redrafted the original proposal to consider two types of claims in the current text, more specifically nutrition and health claims. (Note: The Commission received comments from over 80 parties on its discussion paper; the U.S. did not submit comments). Nutrition claims concern the content of the product, while health claims relate to the link between an ingredient in a product and its health benefit. Health claims would have to get prior approval for use. Under the existing general labeling legislation 2000/13/EC, one may not attribute to a food the property of preventing, treating or curing a disease. The claims proposal will not change this, but the proposal may include language allowing for disease-reduction claims, in other words claims that a food can significantly reduce the risk in developing a disease.

The proposal is currently going through inter-service consultations within the Commission, which are expected to be finished by the end of March. It is our understanding that in general, the Member States are rather positive about the Commission's draft but some outstanding issues still have to be solved. The main point of discussion is how to manage the approval of claims. Post understands that discussions concentrate on a centralized procedure handled by the European Food Safety Authority (EFSA) on the one hand and by a Member State level procedure on the other hand. The criteria for deciding which categories of claims should be handled by whom seem to be rather contentious. This implies uncertainty for the industry as to which of its claims that are currently in use in member States will be allowed under the new system. Once the inter-service consultations are finished, the proposal will go to the European Parliament and the Council.

The proposal on nutrition and health claims may get bundled with a new proposal on food fortification, which will be reported on separately.