



COUNCIL OF
THE EUROPEAN UNION

Brussels, 11 September 2006 (12.09)
(OR. fr)

Interinstitutional file:
2003/0262 (COD)

12223/06
ADD 1

CODEC 842
DENLEG 44
SAN 192

ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat of the Council

to: COREPER/COUNCIL

No. Cion prop.: 14842/03 DENLEG 73 CODEC 1613

Subject: Proposal for a Regulation of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods

[second reading]

– Approval of the European Parliament's amendments (LA + S)

Statements

STATEMENT BY THE COUNCIL AND THE COMMISSION

The Council and the Commission declare that any claim (message or representation, which is not mandatory under Community or national legislation, including pictorial, graphic or symbolic representation) related to the addition of vitamins and minerals such as: "with ...", "restored in ...", "added ...", enriched" should be considered as having the same meaning for consumers as the claim "source of ..." as defined in the Annex of the Regulation on nutrition and health claims made on foods.

STATEMENT BY THE COMMISSION

In the framework of Article 4 on Restrictions on the addition of vitamins and minerals (second indent) the Commission will examine the possible addition of food categories such as confectionery.

STATEMENT BY THE COMMISSION

In the framework of its reflection on the revision of Directive 90/496/EEC on nutrition labelling of foodstuffs, the Commission has the intention to consider the following elements in relation to vitamins and minerals:

- revising/updating reference values included in the Annex of Directive 90/496/EEC and the levels that may be considered as significant amounts,
- establishing tolerance levels for acceptable variation from the declared value of added vitamins and minerals on the nutrition label.

Any modification to the compulsory elements of nutritional labelling that may be adopted in the future revision of the nutrition labelling Directive will be consequently reflected in Article 7(3) of the Regulation on the addition of vitamins and minerals and of certain other substances to foods.

The Commission has the intention to present as soon as possible and in any case within two years following the adoption of the Regulation a proposal for the establishment of maximum/minimum amounts of vitamins and minerals and any conditions for their addition to food as referred to in Article 6(2).

STATEMENT BY THE COMMISSION

The Commission confirms that additional wording for the labelling, designed to draw the attention of particular categories of consumer to the specific risks which certain substances may present for them, can be envisaged as a condition when the maximum content for certain substances listed in Annex I is fixed, if such wording is justified by public-health protection considerations.

STATEMENT BY SWEDEN

Sweden supports the common position with regard to the Regulation on the addition of vitamins and minerals and of certain other substances to foods.

The negative list of categories of foodstuffs which may not be fortified will be extendable at a later date, but Sweden considers that further categories could be added immediately, particularly confectionery. Fortification should not, in our view, be extended to categories of food with little or no nutritional value or, for example, to foodstuffs with a high fat or sugar content.

Given the growing problem of obesity and other common diet-related diseases, dietary and health aspects should be taken into account when harmonising the rules on the fortification of foodstuffs within the EU.

A further reason to prohibit the fortification of confectionery is that children consume large quantities of such foodstuffs and it can be difficult to restrict their exposure. In addition, consumers may become confused if products such as confectionery are given the appearance of being wholesome by virtue of being fortified.

Sweden wants to ensure that internal market harmonisation is achieved with due regard for safety and public health. It is important to agree on principles that will safeguard consumers' need for safe products that do not mislead them. Sweden will therefore continue to argue in favour of this approach during further work on this proposal on the addition of vitamins and minerals to foodstuffs.

STATEMENTS BY FRANCE

re Article 4

To avoid foods being placed on the market which are poor sources of vitamin and mineral enrichment, the French delegation emphasises the importance which it attaches to the principle of drawing up nutritional profiles in the context of the Regulation on nutritional and health claims. It also wishes to stress its concern that full and accurate information be provided to consumers, and would like this issue to be re-examined, as a priority, when the Annex to the Regulation on nutritional and health claims is revised. Lastly, it wishes to stress the importance it attaches to the revision of Directive 90/496/EC on nutrition labelling, which the Commission has undertaken to carry out in the near future.

Our delegation's objective is, by means of these various provisions, to be able to inform consumers fully concerning the composition and nutritional value of foods.

re Chapter III

The French delegation can agree to Chapter III on the addition of certain other substances, provided that the situation as regards these substances is assessed in the Commission report referred to in Article 16. It reserves the option, however, if necessary, of requesting the Commission, in accordance with the provisions of Article 8(2), to take a decision to list one or more of these substances in Part A or B of Annex III.

re Annex I

The French delegation wishes to state that its agreement to Annex I is without prejudice to its future position on maximum quantities, in particular with regard to vitamin K and fluoride.

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