

**European Union Comments for the
CODEX COMMITTEE ON NUTRITION AND FOODS FOR
SPECIAL DIETARY USES**

Berlin, Germany, 4-8 December 2017

AGENDA ITEM 5

Proposed Draft Definition for Biofortification

(CX/NFSDU 17/39/5)

*Mixed competence
European Union vote*

The European Union and its Member States (EUMS) would like to thank the Republic of Zimbabwe and the Republic of South Africa for their work as Chairs of the electronic working group

The EUMS would like to reiterate some general comments on this agenda item and on the recommendations proposed by the co-Chairs.

As already previously expressed, the EUMS remain unclear on the objective of drafting a definition for the term 'biofortification' and the possible next steps.

The EUMS would like in particular to recall that this work has been approved by the Commission in association with the recommendation of the Executive Committee to request CCNFSDU to clarify how the definition would be used and where it would be best placed. The EUMS are of the view that, as illustrated by the current difficulties in the discussions on this topic, answers to these two questions are a pre-requisite to enable substantial progress on the definition as such.

The EUMS would thus kindly ask clarification from the Chair on the steps that should be taken to address these two questions.

With respect to the possible use of the definition, the EUMS have the following comments.

One possible use of the definition could be to set up general principles only applicable to food fortified by other methods than the conventional addition of vitamins and minerals. The EUMS would like to note that this is a complex issue that will be captured with great difficulties in the context of a definition and questions such need for general principles on biofortification.

Another possible use of the definition could be to use the term 'biofortified' as a claim for the purpose of food labelling. The EUMS would first like to note that it was never deemed necessary to define the term "fortification" as such and therefore question the need to define the term "biofortification", i.e. fortification with the qualifier "bio".

Furthermore, the EUMS consider that this possible use would not be in agreement with the objectives of the work as approved by the Codex Commission as the labelling provisions were not identified in the project document (REP15/NFSDU Appendix VII). The EUMS consider that in any case the different existing Codex standards already provide the necessary tools to label and advertise foods obtained through techniques of fortification other than the addition

of vitamins and minerals and have not identified acceptable reasons justifying different labelling or claims regimes for these foods compared to those being traditionally fortified:

- The General principles on the addition of essential elements to food are fully applicable/transferable to foods fortified through techniques of fortification other than the addition of vitamins and minerals;
- The General Guidelines on claims and the Guidelines for use of nutrition and health claims are also fully applicable to foods fortified through techniques of fortification other than the addition of vitamins and minerals which might make use of comparative nutrition claims under the specified conditions;
- The General Standard for the labelling of prepackaged foods and the Guidelines on nutrition labelling are also fully applicable to foods fortified through techniques of fortification other than the addition of vitamins and minerals.

Furthermore, the EUMS would not be in a position to support the use of the claim 'biofortified' on the label of any foods which would not have been produced through organic farming. Indeed the term 'bio' is strictly defined in the EU and may only be used on the label of foods when produced through organic farming. Should the intended use of the definition be a claim, a different term would need to be considered in order to use it legally throughout the EU and to avoid misleading the consumer.

The EUMS note that in the project document to establish the definition on 'biofortification', it is indicated that the definition could be placed in the *General Principles for the Addition of Essential Nutrients to Foods*, still this would need to be assessed by this Committee.