



FEDERATION OF EUROPEAN SPECIALTY FOOD INGREDIENTS  
INDUSTRIES

ELC Secretariat

## ELC RESPONSE TO THE INDICATIVE EVALUATION AND FITNESS CHECK ROADMAP ON NUTRITION AND HEALTH CLAIMS

### GENERAL COMMENTS

ELC considers that the evaluation of Regulation 1924/2006 offers a useful opportunity for stakeholders to reflect on the successes and limitations of the legal framework in the light of experience. It is important that EU institutions have a complete picture of the operation of the health claims regime that will contribute to organisational learning and provide useful input into future initiatives.

In this context, ELC is surprised and concerned that the proposed Roadmap limits the exercise of evaluation to two specific elements of the Regulation – nutrient profiles and botanicals – that have not yet been implemented. ELC does not consider this limited scope to be appropriate for reasons of:

#### **A. Efficiency**

The Roadmap foresees that "the results of this evaluation will feed into the evaluation report required by Article 27 of the Regulation". The latter evaluation must also be carried out in accordance with Better Regulation Guidelines,<sup>1</sup> namely assessing the effectiveness, efficiency, relevance, coherence and the EU added value of the Regulation in securing the following:

- the evolution of the marketing foods in respect of which nutritional health claims are made
- the consumers understanding of claims
- the impact on dietary choices and the potential impact of obesity and noncommunicable diseases.

Assuming a similar timeline i.e. 18 months for the completion of the Article 27 evaluation, the Commission's overall evaluation and report to the European Parliament would take place at the very earliest in 2019. The obligation under Article 27 is to report by January 2013. **To avoid unnecessary delays, costs and repetition, these two evaluations must be combined.**

#### **B. Quality**

In order to reflect on the potential implications of setting nutrient profiles and managing plants and their preparations in foods, it is necessary to fully understand the impact of current legislation on businesses and consumers. Applying the scope foreseen by Article 27 of the Regulation will provide a more complete and valuable evaluation.

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<sup>1</sup> *Better Regulation Guidelines*, 19.5.2015, SWD(2015) 111 final, p. 52.

The Roadmap explains that "evaluation of the Regulation in its entirety would be premature at this stage given that the list of authorised health claims only came into application in December 2012". ELC considers that 3 years of experience with the health claims list (in line with the minimum timescale suggested by the Better Regulation Guidelines<sup>2</sup>) and longer experience with other aspects of the Regulation will provide important insights into the operation of Regulation 1924/2006 and, even if adjudged premature for the purposes of amendment, will nevertheless identify those aspects requiring particular institutional scrutiny in coming years.

ELC therefore does not believe that the proposed scope of evaluation in the current Roadmap is consistent with either the spirit or provisions of the Better Regulation Guidelines and calls on the Commission to undertake the complete evaluation legally required by Article 27 of Regulation 1924/2006. The scope of that review is sufficiently broad to allow detailed responses to the specific topics identified currently in the Roadmap.

## **SPECIFIC COMMENTS**

As regards nutrient profiles, ELC questions whether the single question:

“Without nutrient profiles at EU level, how do Member States integrate the concept of nutrient profiles in the governance of nutrition and health claims on their market?”

will generate adequate information to be able to assess the EU added value of nutrient profiles. The question is phrased in a way that encourages descriptive rather than analytical responses.

A more appropriate question, in line with those on botanicals would be:

- **What are the merits and disadvantages in terms of the EU added value of the current governance of health claims without the implementation of the nutrition profiles?**

An additional relevant question would be:

- **To what extent, do the differences between Member States’ practices, if any, impact the free circulation of goods?**

NOVEMBER 3, 2015

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<sup>2</sup> *Better Regulation Guidelines*, footnote 67.