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European Commission
Directorate General for Health and Food Safety
Attn: Vytenis Andriukaitis
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In advance by E-Mail:
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Berlin, 6 March 2015

Health Claims / WHO nutrient profiles | Ref. Ares (2014)795787 - 19/03/2014

Dear Mr Andriukaitis, Commissioner for Health and Food Safety,

In the context of respect for consumer rights and the protection of human health, we are writing to enquire when the Commission plans to issue nutrient profiles for classifying foods in the EU, and to suggest an efficient way forward.

As you are aware, the European Regulation on nutrition and health claims made on foods (No 1924/2006) is not yet fully implemented. In particular, the setting of nutrient profiles referred to in Article 4 of the Regulation is still outstanding. The Regulation, you may recall, specifies that nutrient profiles for products bearing health claims are aimed at *"avoiding a situation where nutrition or health claims mask the overall nutritional status of a food product, which could mislead consumers when trying to make healthy choices in the context of a balanced diet"* (Recital 11).

Further, under Article 4 of the Regulation, the Commission was required to have established "specific nutrient profiles" by 19 January 2009. We have, however, in March 2014 been informed in writing by a Commission official that *"the preliminary works of the Commission concerning this implementing measure raised an important political debate, which delayed its adoption."*

We will surely not be alone in considering that a delivery delay by over six years on the Commission's part warrants a more detailed explanation of the failure to implement this key provision. Specifically:

- What are the reasons for the extraordinary delay?
- When does the EU-Commission expect to issue nutrient profiles to protect consumers from being misled by the use of health claims that mask the overall nutritional status of a food product?

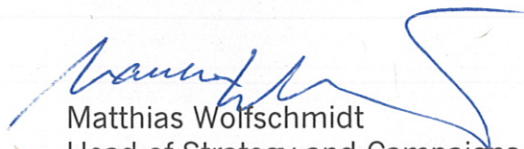
A new development in this context, however, may provide a convenient way forward. Coincidentally, the WHO Regional Office for Europe has recently published a nutrient profile model for classifying foods according to their nutritional composition for reasons related to preventing disease and promoting health (see Attachment I).

In the interests of the earliest possible full implementation of Article 4, we would like to propose that the Commission adopts the scientific based nutrient profile model of the WHO as part of the Health Claims Regulation. This might offer convenient, consistent and comparable approach that would serve the interests of regulators, consumers and food manufacturers alike.


- What is your opinion on our proposal to use the nutrient profile model of the WHO to implement Article 4 of the Health Claims Regulation?

We thank you in advance and look forward to receiving your earliest reply. In the interests of transparency, we will also be sharing this letter publicly and invite you to do the same with your response.

Yours sincerely



Matthias Wolfschmidt
Head of Strategy and Campaigns



Oliver Huizinga
Campaigner