

EXTRACT FROM THE MINUTES OF THE 1 OCTOBER MEETING OF
STANDING COMMITTEE ON THE FOOD CHAIN & ANIMAL HEALTH
RELATING TO THE REGULATION OF NUTRITION CLAIMS FOR
OMEGA-3 FATTY ACIDS

Exchange of views and possible opinion on a Draft Commission Regulation of amending Regulation (EC) n° 1924/2006 with regard to the list of nutrition claims (SANCO/5855/2009) (Right of scrutiny of the European Parliament)

The draft Regulation aims at adding five new nutrition claims concerning omega-3 fatty acids, monounsaturated fat, polyunsaturated fat and unsaturated fat to the list of permitted nutrition claims referred to in Article 8(1) of Regulation (EC) n° 1924/2006.

The proposal was presented to for exchange of view during the Standing Committee Meeting of 22 June 2009, and for a possible opinion on 15 July 2009, where many Member States asked to postpone the vote in order to better scrutinise the conditions of use of these claims. Following technical discussion with Member States experts, these conditions were revised.

Concerning "source of omega-3" and "high in omega-3" claims, a provision aiming to ensure a minimum omega-3 fatty acid content for food supplements was discussed and finally withdrawn from the Regulation. The Committee agreed that in future Working Groups the issue of conditions applying to food supplements should be discussed in a general angle that would consider the totality of nutrition claims listed in the Annex of Regulation n°1924/2006.

Some Member States asked for further modifications of these conditions of use, such as the limitation of omega-3 claims to oily fish, or a disclaimer helping consumers to distinguish the two types of omega-3 fatty acids. Others asked for the setting of maximum levels of saturated fat or trans fatty acids for the use of these claims. The Commission recalled that the nutrient profiles foreseen by Article 4 of Regulation (EC) n° 1924/2006 were aimed at avoiding such claims on foods high in saturated fat.

Due to the lack of support of these requests by other Member States, some accepted to support the proposal with the expectation that restrictive criteria are set for saturated fat when establishing the nutrient profiles, and others abstained.

The UK requested the following statement to be inserted in these minutes:

“The UK abstained from the vote because of concerns that the lack of distinction between long and short chain omega-3 fatty acids and low threshold levels in the Commission’s Regulation will undermine UK Government food-based dietary guidelines. Oily fish is the only significant source of the long chain omega-3 fatty acids which offer heart health benefits and claims which suggest otherwise will mislead consumers.”

Some editorial changes were made to the text circulated to the Member States prior to the meeting.

The Committee delivered a favourable opinion by qualified majority (in favour: 297 votes; abstention: 48 votes).