



EUROPEAN COMMISSION  
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Safety of the Food chain  
**Food law, nutrition and labelling**

## **Summary report of the Working Groups of the Advisory Group on the Food Chain and Animal and Plant Health**

**on nutrient profiles**

**Held in Brussels on 8 July and 28 November 2008**

The Advisory Group on the Food Chain and Animal and Plant Health was consulted on 8 July 2008 on the setting of nutrient profiles, an implementing task of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods.

After a presentation which provided an update on the process to set nutrient profiles and which focussed on the sectoral consultations already completed, comments were requested on the basis of the working document dated 2 June 2008 that had already been discussed with Member States and which lays down the first position to consider for the setting of nutrient profiles.

The following feed back was received:

### **1 - Exemption:**

IDACE (dietetic foods) welcomed the proposed exemption for dietetic foods whose composition is regulated on the basis of scientific advice, but asked for a larger exemption including products notified under Article 9 of Council Directive 89/398/EEC on dietetic foods.

Associations of food supplements producers (AESGP and EHPM) welcomed the exemption proposed for such products but asked for the energy upper limit proposed for the daily dose to be removed. COPA-COGECA welcomed the proposed exemption for fruit and vegetables, which was also supported by consumer and public health organisations (BEUC and EHN).

### **2 - Structure of the nutrient profile system**

CIAA and EDA (dairy sector) asked for more specific profiles for certain categories such as cheese to have healthier variants eligible to claims for every class of products. CIAA mentioned its proposal for a nutrient profiles system and the fact that some food categories could be merged to meet the requirement of a limited number of food categories. CIAA mentioned the limitation for some sectors to reformulate food products

because of technological or legal reasons. CIAA also referred to the food database developed for the testing of nutrient profiles, underlining the fact that some data were outdated and not accurate. COPA-COGECA welcomed the fact that olive oil would qualify under the adapted nutrient profile for vegetable oil.

Consumer and public health organisations (BEUC and EHN) asked for less food categories and more nutrients to be taken into account, notably energy density, and trans fatty acids.

On the definition of food categories, CIAA expressed concerns about the use of CN codes (customs tariffs codes), and confirmed that borderline issues was a major concern with the food category approach. Reference to the definitions used in the food additives legislation, or to composition criteria were mentioned as potential solutions.

### **Meeting of the working group on nutrient profiles – 28 November 2008**

A second and final meeting of the working group on nutrient profiles of DG Health and Consumers Advisory Group took place on Friday 28 November.

Representatives of numerous sectors of the food business operators and of consumer and public health groups commented on the same working document dated 4 November 2008 that was shared with Member States. The document lays down advanced options for the setting of nutrients profiles, covering all aspects of nutrient profiling, from the exemption for certain foods/food categories to comply with nutrient profiles, to the levels of the thresholds proposed for the different food categories.

#### **1 - Exemption:**

While BEUC was in favour of exemption limited to fruits and vegetables (without added sugars, salt or fat), food supplements and certain dietetic foods, whose composition is regulated, CIAA asked for a procedure to introduce requests for exemptions.

The Commission signalled that such a procedure would require an amendment of the Regulation to be addressed through co-decision procedure, and that the Regulation was laying down all the criteria to be taken into account for the setting of nutrients profiles. In any case, it was noted that the Commission measure could be modified through comitology if necessary.

ICGA asked for the exemption of chewing gum, whose typical daily consumption provides less than 25 Kcal of energy and also provides insignificant contribution to the intakes of fat, sugar, and salt.

AIPCE asked for the exemption for fish, ASSICA for the exemption for meat products registered at Community level under Regulation 510/2006/CE on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

## **2 - Structure of the nutrient profile system**

### **Number of food categories**

Additional food categories were requested for bakery products, chocolate. CIAA proposal consists of a nutrient profiles system with 23 food categories, while BEUC prefers systems with few categories.

### **Eligibility criteria:**

- EDA referred to Regulation (EC) No 1234/2007 (Single CMO Regulation) to define the content of milk products category<sup>1</sup>, while EUVEPRO-ENSA considers that soy based products are interchangeable products.
- CLITRAVI asked for two categories distinguishing meat and meat products with distinct thresholds, as the current single categories only allow meat to bear claims and does not consider the significantly different consumption patterns (preparation and daily intake) of the two items.
- ECCF referred to their written contribution where criteria are proposed for the ready meal, soup, and sandwich category.
- The category vegetable oil and spreadable fats: it is proposed to include mayonnaise (CN code 21 03 90 90).
- BEUC proposed composition criteria higher than the minimum 50% of fruits, vegetables, nuts, meat, fish, cereal required to benefit from adapted nutrient profiles. 70% is proposed for fish and fruits, vegetables and nut products, and breakfast cereals, while 80% would be required for the others.
- CIAA asked for this minimum percentage to be reduced to 25% for fruit and vegetable based beverages, in line with the Community standards for fruits nectars laid down in Directive 2001/112/EC.

## **3 - Nutrients**

Concerning nutrients to be taken into account, the current proposal limits them to saturated fat, sugars and sodium. According to CIAA, sugar is not needed for the generic profile, while BEUC asks for total fat and naturally occurring fibre to be taken into account. BEUC also would like products high in trans fatty acids to be ineligible to claims.

## **4 - Reference basis and calculation**

The proposed system consists of different sets of thresholds for the selected nutrients, depending on the food category. A 100g or 100ml is considered and seems acceptable by food business operators. However, ICGA made the point that it was inappropriate for chewing gum as it represented three months consumption for the typical consumer.

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<sup>1</sup> Annex 12 of Regulation (EC)° No1234/2007 “For the purposes of this Annex, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.”

EHN prefers a scoring system taking account of more nutrients and asking for less categories.

## 5 -Levels

In the context of the current Commission proposal and on the basis of comparisons between the Commission's and the FSANZ model, EHN suggested that the criteria for:

- Fruits, vegetables, nuts and their products should be relaxed
- Cereal and cereal products except breakfast cereals should be relaxed and/or a threshold for fibre should be introduced
- Breakfast cereals should be more restrictive
- Vegetable oil and spreadable fat should be more restrictive. Cheese should be more restrictive

Industry sectors provided detailed position papers, with proposals for higher maximum levels.

The following table summarises the view of the stakeholders on the proposed levels of thresholds for saturate fat, sugars, and sodium.

### 5.1 - Saturated fat

<b>Food category</b>	<b>Food business operator / CIAA – sector association</b>	<b>Working document options</b>	<b>BEUC</b>
Vegetable oil and spreadable fats	30% in energy	30 g/100g	15 g/100g
Fruit, vegetables and their products	10% in energy	5 g/100 g	1,2 g/100g
Meat and meat products	10g/100g	5g/100g	5g/100g
Fish and fish products	7, 5 – 9 g/100g	10 g/100 g	5 g/100 g
Dairy products except cheese	5 (20 for cream)	2 g/100 g	1,2 g/100 g
Cheeses	20 - 23 g/100 g	10 g/100 g	10 g/100 g
Cereal and cereal products	10 g/100g	5 g/100 g	1,2 g/100 g
Ready meals	5 g/100 g	5 g/100 g	2 g/100 g
Other Foods	Depend on sector	2 g/100 g	1,2 g/100 g

### 5.2 - Sugars

<b>Food category</b>	<b>Food business operator / CIAA – sector association</b>	<b>Working document options</b>	<b>BEUC</b>
Fruit, vegetables and their products	12,5 – 63 (jam) g/100g	15 g/100	10 g/100g
Dairy products except cheese	15 g/100g	15 g/100g	8 g/100g
Cheeses	15 g/100g	15 g/100g	6 g/100g
Cereal and cereal products	35 g/100g	15 g/100g	5 g/100g
Breakfast cereals	35g/100g	25g /100g	12,5 added sugars
Ready meals	5 g/100g	5 g/100g	2 g/100g
Non alcoholic beverages	8 g/100g	8 g/100g	5 g/100g
Other Foods	Depend on sector	2 g/100g	1,2 g/100g

### 5.3 - Sodium

<b>Food category</b>	<b>Food business operator / CIAA – sector association</b>	<b>Working document options</b>	<b>BEUC</b>
Vegetable oil and spreadable fats	–	-	300 mg/100g
Fruit, vegetables and their products	120 mg / 100 g (fruits) 360mg/100g (vegetables) – 120mg/100Kcal (jam)	400 mg/100g	100 mg/100g
Meat and meat products	800-1000 mg/100g	500mg/100g	200 mg/100g
Fish and fish products	800 – 2000 mg/100g	500 mg/100g	300 mg/100g
Dairy products except cheese	1000 mg/100g	300 mg/100g	100 mg/100g
Cheese	1000 mg / 100g	600 mg/100g	600 mg/100g

Cereal and cereal products	600 mg/100g	400 mg/100g	400 mg/100g
Breakfast cereals	700 mg/100g	700 mg/100g	400 mg/100g
Ready meals	400 mg/100g	400 mg/100g	200 mg/100g
Other Foods	Depend on sector	300 mg/100g	100 mg/100g

Detailed proposal for exemptions and / or specific set of thresholds were received from different sectors of the food industry and consumer and public health groups.

A call for written contributions from stakeholders by 5 December 2008 was made, and more than 30 contributions were received.

Participants:

8 July 2008: DG SANCO: Basil Mathioudakis, Ariane Vander Stappen, Francesca Volpi, Fabio D'Atri, Lars Korsholm, Christophe Didion (E4), Aude L'Hirondel and Carol Humphrey-Wright (O3), Valerie Rolland (RTD); Isabelle De Froidmont (RTD); Gabbi Simone (EFSA)

Stakeholders represented: AVEC, BEUC; CEFIC, CIAA, EDA, EUROCOMMERCE, EUROCOOP, IFOAM-EU, UEAPME

AAF, AESGP, AOECs, EHN, EHPM, EPHA, ERNA, IDACE/ISDI/IFM, The Brewers of Europe.

28 November 2008: DG SANCO: Basil Mathioudakis, Ariane Vander Stappen, Cecilia, Vanhainen Christophe Didion (E4), Carol Humphrey-Wright, Felicetta Catanzaro, Sabine Osaer (O3),

Stakeholders represented: AIPCE-CEP, AVEC, BEUC, CELCAA, CIAA, CLITRAVI, COPA-COGECA, ECCA, EDA, EUROCOOP, FRESHFEL, IFOAM-EU, UEAPME, UECBV

ASSICA, AJIN, ECFF, EHN, EHPM, ENSA, ERNA, ICGA, IDACE, OEITFL, LCD