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Plenary sitting

31.1.2012

B7-0045/2012

MOTION FOR A RESOLUTION

pursuant to Rule 88(2) and (4)(b) of the Rules of Procedure

on the draft Commission regulation amending Regulation (EC) 1924/2006 with regard to the list of nutrition claims

Committee on the Environment, Public Health and Food Safety

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B7-0045/2012

European Parliament resolution on the draft Commission regulation amending Regulation (EC) 1924/2006 with regard to the list of nutrition claims

The European Parliament,

- having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods¹,
 - having regard to the draft Commission regulation amending Regulation (EC) 1924/2006 with regard to the list of nutrition claims,
 - having regard to the opinion delivered on 13 October 2011 by the committee referred to in Article 25 of Regulation (EC) No 1924/2006,
 - having regard to the Commission guidelines on the implementation of Regulation (EC) No 1924/2006 approved by the Standing Committee on the Food Chain and Animal Health on 14 December 2007²,
 - having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers³,
 - having regard to Article 5a(3)(b) of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴,
 - having regard to Rule 88(2) and (4)(b) of its Rules of Procedure,
- A. whereas, as stated in Article 3 of Regulation (EC) No 1924/2006, the use of nutrition and health claims must not be false, ambiguous or misleading;
- B. whereas, as stated in Article 5(2) of Regulation (EC) No 1924/2006, the use of nutrition and health claims can only be permitted if the average consumer can be expected to understand the beneficial effects as expressed in the claim;
- C. whereas, as stated in Article 9(2) of Regulation (EC) No 1924/2006, comparative nutrition claims must compare the composition of the food in question with a range of foods of the same category, including foods of other brands;
- D. whereas, as stated in Article 7 of Regulation (EU) 1169/2011, food information must not mislead the consumer as to the nature, properties and characteristics of a foodstuff;

¹ OJ L 404, 30.12.2006, p. 9.

² http://ec.europa.eu/food/food/labellingnutrition/claims/guidance_claim_14-12-07.pdf

³ OJ L 304, 22.11.2011, p. 18.

⁴ OJ L 184, 17.7.1999, p. 23.

- E. whereas in the light of the underlying principles governing the selection of permitted nutrition claims on foodstuffs, as outlined above, the new nutrition claim proposed by the Commission ‘now contains X% less of [nutrient]’, to be included in the annex to Regulation (EC) No 1924/2006, runs counter to the purpose and content of the basic instrument by being ambiguous, misleading and confusing to the average consumer;
- F. whereas the newly introduced claim ‘now contains X% less of [nutrient]’ violates the principle of comparative claims, as laid down in Article 9(2) of Regulation (EC) No 1924/2006; whereas it allows for the nutritional values of a product to be compared with a previous version of that product, regardless of the starting level of the nutrient in question, which could be excessively high by comparison with other products on the market; whereas products which have not been reformulated, but are nevertheless lower in a certain nutrient than the reformulated product of a different brand, will not be allowed to bear a nutrition claim, and this will inevitably mislead consumers;
- G. whereas the ‘now contains X% less of [nutrient]’ claim might give rise to unfair competition vis-à-vis existing claims, such as ‘reduced [nutrient]’ and ‘light/lite’; whereas in the latter case a reduction of at least 10% (for micronutrients), 25% (for sodium) or 30% (for sugars/fats) by comparison with other similar products is required; whereas a consumer might assume that the quantified statement in the ‘now contains X% less’ claim signifies a greater reduction than that implied by the ‘reduced [nutrient]’ or ‘light’ claims, despite the requirements being much stricter for the latter than for the ‘now contains X% less of [nutrient]’ claim, for which a minimum reduction of just 15% is specified;
- H. whereas the ‘now contains X% less of [nutrient]’ claim could act as a disincentive to producers to reformulate their products more substantially in order to meet the requirements for the ‘reduced [nutrient]’ or ‘light’ claims, as it is easier to reduce a nutrient by 15% than by 30%;
- I. whereas in Recital 4 of the draft measure the Commission clearly acknowledges that ‘when sugars are reduced, consumers expect reduction in energy’; whereas, with regard to the suggested amendment to the ‘reduced fats/sugars’ claim as laid down in point 2 of the annex to the draft measure, the Commission also allows for such claims to be made even when the energy in the product bearing the claim is still ‘equal to’ the energy contained in a similar product;
1. Opposes adoption of the draft Commission regulation amending Regulation (EC) 1924/2006 with regard to the list of nutrition claims;
 2. Considers that the draft Commission regulation is not compatible with the purpose and content of the basic instrument;
 3. Calls on the Commission to submit an amended draft of the measure to the committee;
 4. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.