

**INFORMATION PREPARED BY THE COMMISSION SERVICES RELATIVE TO
THE MOTION FOR A RESOLUTION TO OBJECT
TO A DRAFT COMMISSION REGULATION AUTHORISING THE HEALTH CLAIM
"CARBOHYDRATES CONTRIBUTES TO THE MAINTENANCE OF NORMAL BRAIN FUNCTION"**

Following enquiries from the European Parliament, the Commission services would like to provide the following factual information relative to the above Resolution:

- The draft Regulation was extensively discussed with Member States, which had strong objections to allowing this claim for all foods containing carbohydrates. The current conditions are restricting this claim to foods containing complex carbohydrates (in line with expert scientific advice on the consumption of complex carbohydrates and relevant advice by national authorities). Moreover, the conditions of use allow the claim to be made on products low in sugars and on fruits and fruit juices which contain sugars naturally. They prohibit the claim for sugars to be sold as such or for products which contain added sugars such as cakes, biscuits, soft drinks etc. The Member States, in the Standing Committee, gave a favourable opinion by a very large qualified majority (only one Member State voted against).
- According to the procedures, the claim in question is one that currently, and until a decision by the regulators is adopted, can be made on products that are on the market. Therefore, objecting to the adoption of the Regulation, will not prohibit the claim, but will allow it to stay on the market without any conditions or any restrictions in relation to the sugar content of the product bearing such claim, until a formal decision is taken on it.
- The Resolution requests the Commission to submit another Regulation without the restricting conditions of use, that is, to let the claim be made by all foods containing carbohydrates without restriction. This would be contrary to the views of the Member States and current dietary advice.
- According to Regulation (EC) No 1924/2006, the scientific evaluation is one important aspect to be considered when a health claim is authorised. Other relevant legitimate factors should also be taken into consideration during that process. Given the dietary advice at national level recommending the reduction of sugar consumption (and especially added sugars), the restrictive conditions of use, being in line with those national recommendations are compatible with the aim of the basic Regulation (EC) No 1924/2006. The proposed condition of use is not contradictory to the scientific advice provided by the European Food Safety Authority.
- The restrictions of use for this health claim do not constitute setting nutrient profiles.
- In the Resolution the claim in question was compared to two authorised health claims on 'carbohydrate-electrolyte solutions'. It should be noted that these two types of claims should not be linked as they target two different groups of the population. The claim on 'carbohydrates' is aimed at the general population while the two claims on 'carbohydrates – electrolyte solutions' are targeting active individuals performing endurance exercise (i.e. sportsmen). The Commission has officially recognised that foods for sportsmen target a separate category of consumers and relevant claims should be considered taking this into account. The authorisation of the two health claims on 'carbohydrate – electrolyte solutions' targeting sportsmen indicates that, where appropriate, health claims have been authorised with no restrictions on their sugar content.
- The differentiation of the terms of "added sugars" and "naturally occurred sugars" is not something new in the context of the Regulation on nutrition and health claims. Such distinction has already been made through the permitted nutrition claim "with no added sugars" in the Annex of that Regulation.