



30.11.2018

NOTICE TO MEMBERS

Subject: Petition No 0879/2014 by Stefan Wachtler (German), on the introduction of regulation in Germany of the trans-fatty acid content of foodstuffs.

1. Summary of petition

The petitioner wants Germany to adopt a law regulating the trans-fatty acid content of foodstuffs. Some EU and EEA Member States have already adopted limits on the maximum trans-fatty acid content of foodstuffs, as a result of which the number of people with heart disease has fallen.

2. Admissibility

Declared admissible on 16 March 2015. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 29 May 2015

Regulation (EC) No 1169/2011 on the provision of food information to consumers (“the Regulation”)¹ requires the indication of the amounts of fat in foodstuffs as part of the mandatory nutrition declaration; however, it does not permit to indicate the presence of trans fats.

The Regulation requires the Commission to submit a report on the presence of trans fats in food and in the overall diet of the Union population. According to the Regulation, this report should assess the impact which potential measures, such as information to consumers or

¹ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L 304, 22.11.2011, p. 18.

restrictions on the use of trans fats, could have for healthier dietary choices of consumers or for the promotion of healthier food options to consumers.

The Commission is aware of the measures which some Member States have taken and notified in relation to trans fats. In its report, the Commission will examine various options on the way forward at EU level, including labelling, legal limits for the presence of trans fats in food and voluntary measures.

Conclusion

The Commission is in the process of finalising its report as foreseen by the Regulation. Once the report will have been finalised, the Commission will be ready to engage in an exchange of views with the European Parliament on the most appropriate options to address the issue.

4. Commission reply (REV), received on 30 March 2016

Further to its communication of 29 May 2015, the Commission can now provide the Petitions committee with some additional information on the issue.

On 3 December 2015, the Commission adopted a report on the presence of trans fatty acids (TFA) in foods (COM(2015)619)¹. This report was transmitted to the European Parliament and the Council. In addition, a Commission Staff Working Document² provides detailed information underpinning the findings of the Commission report. The European Commission's Joint Research Centre has provided input to the report through a series of studies on the presence of TFA in the foods and diets of the EU population, as well as on the possible impacts of different policy options aiming to reduce TFA intake in the EU. The Joint Research Centre recently published the report "Trans fatty acids in Europe: where do we stand?"³, which summarises the available data on the content of TFA in foods and on dietary intake of TFA in Europe.

Conclusion

The Commission is currently carrying out preliminary work to proceed in the near future with an Impact Assessment on the matter, including a public consultation, as announced in the report's conclusions. The Commission is ready to engage in an exchange of views with the European Parliament on the conclusions of the report in order to identify the most appropriate options to address the issue of trans fatty acids in foods.

5. Commission reply (REV), received on 30 November 2018

Further to its communication of 29 May 2015, the Commission can now provide the Committee on Petitions with some additional information on the issue.

On 3 December 2015, the Commission adopted a report on the presence of trans fatty acids

¹ http://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation/trans-fats_en.htm.

² http://ec.europa.eu/food/safety/docs/fs_labelling-nutrition_trans-fats-oswp_en.pdf.

³ <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/trans-fatty-acids-europe-where-do-we-stand>.

(also called trans fats) in foods (COM(2015)619)¹. This report was transmitted to the European Parliament and the Council. In addition, a Commission Staff Working Document² provides detailed information underpinning the findings of the Commission's report. The European Commission's Joint Research Centre (JRC) has provided input to the report through a series of studies on the presence of trans fats in the foods and diets of the EU population, as well as on the possible impacts of different policy options aiming to reduce trans fats' intake in the EU. The JRC published the report "Trans fatty acids in Europe: where do we stand?"³, which summarises the available data on the content of trans fats in foods and on dietary intake of trans fats in Europe. On 4 October 2018, a draft Commission Regulation regarding trans fat, other than trans fat naturally occurring in animal fat, in foods intended for the final consumer has been published on the Commission's website, seeking feedback from stakeholders by 1 November 2018⁴. The main element of the proposal is that a maximum limit of trans fat (other than trans fat naturally occurring in animal fat) in food which is intended for the final consumer, is set to 2 grams per 100 grams of fat. The Commission is currently analysing the feedback received. The draft Regulation has in parallel been notified to the World Trade Organisation, the final date for comments being 2 December 2018.

Conclusion

The Commission has published a draft legal measure and is in the process of analysing the feedback received. Furthermore, the Commission has notified the draft legal measure in line with international obligations.

¹ http://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation/trans-fats_en.htm

² http://ec.europa.eu/food/safety/docs/fs_labelling-nutrition_trans-fats-oswp_en.pdf

³ <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/trans-fatty-acids-europe-where-do-we-stand>

⁴ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-5103401_en