WRITTEN QUESTION E-5777/07
by Péter Olajos (PPE-DE)
to the Commission

Subject: Regulation of food supplements

The current EU Directive on food supplements (2002/46/EC[1]) is far less stringent and more general than the previous, stricter Hungarian regulations. The EU Directive only lays down definitions and specifies what vitamins and minerals may be used in food supplements and from what chemical substances they may be derived; it says nothing about the other constituents.

Since the entry into force of the Hungarian ordinance (37/2004) adopted after Hungary's accession to the EU, which complies with the above Directive, more than 2000 products have been submitted for registration by Hungary's National Institute of Food Safety and Nutrition (OÉTI). The number of vegetable and other active ingredients which the products contain is constantly growing, and unfortunately, from the outset, some of the preparations have contained isolated active ingredients - including from plants, some of them medicinal - whose safety is more than doubtful.

The situation is also rendered more difficult by the fact that - under the Directive - businesses which trade in food supplements are only required to register them with the OÉTI, and the procedure does not require submission of the technical documentation and test results, nor does it require evidence of the claims made on the product packaging. Although the OÉTI does, in accordance with the rules governing the notification procedure, request submission of information about the composition of the products, when it examines the data submitted it does not have any real opportunity to prevent a product from being placed on the market if there are grounds for believing that it will endanger consumers' health.

In the absence of any unequivocal Community regulation, many Member States are introducing additional national restrictions and bans over and above the national provisions corresponding to the EU Directive on food supplements (this has been done for example in Belgium and Spain, while similar provisions are being drafted in France), itemising which vegetable and other active ingredients are prohibited in food supplements (negative lists) or which are permitted (positive lists) with the aim of preventing the use of constituents which would endanger consumers' health.

Does the Commission support the adoption in Hungary of a negative list which would enumerate the vegetable or other substances whose use in the production of food supplements is prohibited?

Could the negative list as referred to above be complemented by a positive list indicating what vegetable or other substances are recommended for use in food supplements?

Will the Commission – over and above the provisions of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods[2] – introduce a uniform EU mark which, taking maximum account of consumers' interests, guarantees that individual food supplements are not harmful to health?

1 OJ L 183, 12.7.2002, p. 51.
2 OJ L 404, 30.12.2006, p. 9.