

WRITTEN QUESTION P-1503/10  
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to the Commission

Subject: Article 13 of Regulation (EC) No 1924/2006

Article 13 of Regulation (EC) No 1924/2006<sup>1</sup> of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods was drawn up to ensure that well-established claims for foods currently on the market could continue to be used after EFSA had checked that they were substantiated. The intention was also that SMEs would be able to use such claims on their products without having to invest in a lengthy and costly authorization procedure. It is now expected that most claims submitted for inclusion in the Article 13 list will not be approved by EFSA, not because of lack of evidence, but because of flaws in the process and EFSA's failure to provide clear guidance about submission requirements prior to the submission of claims in 2007.

I therefore kindly request answers to the following questions:

1. What is the Commission's view of the fact that EFSA applies the same criteria when evaluating Article 13 and 14 claims, contrary to the intention of the legislation, and thereby deprives Article 13 of its value, particularly for SMEs?
2. The Regulation assumes that the final list will be published in one go, not in several batches long after the expiration of the deadline set by the Regulation, i.e. 19 January 2009. Why were the rules changed while the process was under way?
3. What is the Commission's view of the inconsistency between the EFSA approach in its opinions on vitamins and minerals, where textbook evidence is accepted without further investigation, and its approach in relation to other substances, including botanicals, where randomised clinical trials are required?
4. How will the final consumer get the information he or she needs to make choices and use products appropriately if the final 'positive list' of Article 13 health claims turns out to contain only a very limited number of claims, all of which relate solely to vitamins and minerals?

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<sup>1</sup> OJ L 404 of 30.12.2006, p.9