



Notification Number: 2003/306/F

Draft decree on food supplements.

Date received : 19/08/2003
End of Standstill : 20/11/2003 (**20/02/2004**)
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - SG(2003) D/51595
Directive 98/34/EC
Translation of the message 001
Notification: 2003/0306/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200301595.EN)

1. Structured Information Line

MSG 002 IND 2003 0306 F EN 20-11-2003 19-08-2003 F NOTIF 20-11-2003

2. Member State

France

3. Department Responsible

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75700 PARIS '

4. Notification Number

2003/0306/F - C50A

5. Title

Draft decree on food supplements.

6. Products Concerned

Food supplements as defined in Article 2 of Directive 2002/46/EC relating to food supplements.

7. Notification Under Another Act

Directive 2002/46/EC on the approximation of the laws of the Member States relating to food supplements.

8. Main Content

This text is intended to transpose into national law, Directive 2002/46/EC relating to food supplements.

However, insofar as this Directive is incomplete and lays down the adoption of additional measures in the future, it was considered necessary to lay down national texts establishing the rules for the composition of all food supplements.

Articles 4, 5 and 6 of the draft Decree, which govern the composition of these products, are more complete than the Directive since they lay down that the following will be regulated:

- The list, the conditions for use and the purity criteria of nutriment (vitamins and minerals) in accordance with the Directive,
- The list, the conditions for use and the purity criteria of other nutritional or physiological substances,
- The conditions for use of plants and isolated plant compounds, without prejudice to the implementation of the provisions of Regulation (EC) No 258/57 of 27 January 1997.

Article 7 describes the procedure which will be implemented to authorise the use of nutritional or physiological substances which do not appear in the Orders laid down in Articles 5 and 6 of this Decree. This Article has been introduced with the aim of transparency with regard to economic operators. The following Articles (8 to 11) reproduce the provisions regarding labelling that appear in Directive 2002/46/EC.

Furthermore, this draft Decree is supplemented by a draft Order, which is also notified.

9. Brief Statement of Grounds

In France, food supplements are considered, in legal terms, as foodstuffs and as such they are subject to texts with a general scope applicable to all foodstuffs, regulating their manufacture, composition, labelling and sale. However, taking account of the specific nature of these products, it is necessary to lay down specific texts



covering all food supplements.

It has been noted that the market for these products is turning more and more towards compositions including ingredients other than vitamins and minerals, such as substances with physiological effects or plants and isolated plant compounds.

Rules on composition are therefore proposed in this draft Decree, not only for vitamins and minerals but also for other ingredients likely to be included in the composition of food supplements.

10. Reference Documents - Basic Texts

Consumer Code, particularly Articles L. 214-1 and L. 214-2 thereof

Directive 2002/46/EC of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

No

16. TBT and SPS aspects

TBT aspect (Agreement on technical barriers to trade)

a) Yes

SPS aspect (Agreement on sanitary and phytosanitary measures)

a) No

b) i)

David O'Sullivan
Secretary-General
European Commission



sent to :

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