

Overview: The Differences between Codex and the EU Food Supplements Directive

Written by Unknown

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Codex Guidelines for Vitamin and Mineral Supplements, and the EU Food Supplements Directive - An important clarification:

The European directive (the EU Food Supplements Directive, or FSD) and Codex (the Draft Codex Guidelines for Vitamin and Mineral Supplements) are actually separate entities. The former was drafted by the European Commission (EC), and the latter is being drafted by the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). As such, the FSD is a piece of EU legislation, whilst Codex is a UN Food and Agriculture Organization/World Health Organization sponsored body. In other words, the EU sets European legislation, whilst Codex sets global standards on behalf of the FAO/WHO. In this respect it is important for people to understand that whilst there are of course some similarities in the style and intent of the FSD and the Codex Guidelines (primarily due to the strong influence of the EU at Codex) the two are most definitely not one and the same thing.

Codex Guidelines for Vitamin and Mineral Supplements

The Codex Guidelines are currently at step 7 of the 8-step Codex approval process, and the CCNFSDU will be meeting in Bonn from 1-5 November in an attempt to complete them. If they reach step 8 the Guidelines would then be discussed at the next meeting of the Codex Alimentarius Commission, in July 2005, in order to be ratified as a finalised global standard. The CCNFSDU, incidentally, is actually but one of over 20 different Codex committees currently engaged in setting 'harmonized' global food standards. The Guidelines are currently in the form of a 'framework' text. The maximum permitted nutrient levels for these Guidelines have not yet been set, and will be added at a later (currently unspecified) date.

EU Food Supplements Directive

The EU Food Supplements Directive (FSD) has not yet been fully implemented. Since 1 August 2003 however, trade between EU member states has been 'permitted' in products complying with the FSD. Nevertheless, from 1 August 2005 onwards trade in products which do not comply with the FSD will be prohibited between EU member states. Essentially speaking, it is this second part of the FSD implementation, from 1 August 2005 onwards, that ANH are challenging in the European Court of Justice, on the basis that the FSD should be the minimum standard for trade between EU member states, rather than (as things currently stand) a ban on trade in non-compliant products.

As yet there have been no maximum permitted nutrient levels set for the FSD. On the subject of these, for example, the text of the FSD states the following:

The adoption of the specific values for maximum and minimum levels for vitamins and minerals present in food supplements, based on the criteria set out in this Directive and appropriate scientific advice, would be an implementing measure and should be entrusted to the Commission.

Thus far there has not been a date set for the implementation of any restrictions on maximum permitted nutrient levels under the FSD, nor is it known for certain what those levels will eventually be. The EU Scientific Committee on Foods (SCF) have published their Opinions and Guidelines however.