

From the Minister of State  
Caroline Flint MP



Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 3000

Our ref: MC2981

Dr Caroline Lucas MEP  
European Parliament  
Office 8G103  
Rue Wiertz  
B-1047 Brussels  
BELGIUM

**05 NOV 2006**

Dear Caroline,

Thank you for your letter of 31 October to the Prime Minister expressing concerns regarding the Food Supplements Directive. I am replying because Parliamentary responsibility for this issue rests with Health Ministers. I have received a number of letters on this issue and am responding to the points raised by yourself and others.

The Government considers that the approach to regulation of food supplements should be safety based and that consumers should have the right to an informed choice unless their safety is compromised.

We recognise the potential impact of the Food Supplements Directive on the UK supplements industry, and the Government has previously taken action to reduce the burden on industry and maintain consumer choice. This has been done by provision of resource to assist in dossier preparation and by accepting dossiers with minimal information to allow substances to remain on the market pending assessment by the European Food Safety Authority (EFSA).

On the issue of the numbers of substances permitted for use in food supplements, I am aware that the supplements industry originally estimated that 200 substances were missing from the positive lists in the Food Supplements Directive. However, dossiers for considerably more than these were submitted for consideration by EFSA.

In total, dossiers covering 375 substances were forwarded to the Commission, before 12 July 2005 for assessment by EFSA. EFSA has said that it intended to group the dossiers into three categories. The first category would contain full dossiers, the second would consist of dossiers which could be grouped together and where information might be available from other sources, and the final category would be for substances where no immediate information is generally available. EFSA would need to look for companies to provide this.

EFSA has not rejected any dossiers outright. The Food Standards Agency (FSA) has previously urged companies to work together to provide data for EFSA to ensure that as much information as possible is available so that the safety of these substances can be evaluated to protect consumers whilst maintaining consumer choice. This approach may reduce the impact on companies who need to generate this data for their dossiers. It remains the responsibility of companies to provide EFSA with supporting evidence to demonstrate that the substances they are using are safe. We are nevertheless continuing to review the potential impact this might have on the UK supplements industry as EFSA takes forward its assessments.

The next key area for agreement is setting of maximum permitted levels of vitamins and minerals in food supplements and the European Commission is expected to publish proposals within the next two years.

To date, the UK strategy has been to encourage dialogue with other key member states and to engage in discussions on this subject at this early stage. These discussions have been based on the outcome of the preliminary discussions in September 2005 on setting maximum levels of vitamins and minerals in food supplements.

The Government supports a two-tier approach, based on a scientific risk assessment, where a harmonised level would be established for trade of supplements across the EU. In addition, separate levels could be set at a national level in individual member states where there was evidence that dietary intake levels were lower than those used to set the EU level, and national expert opinion supported safe supplemental intakes. Certain single dose supplements, which exceeded the levels recommended by national experts, would also continue to be available, and these would carry advisory statements (warning labels).

I wrote to my counterparts in all member states advising them of our discussions, and at my request, FSA officials have held a number of meetings with their counterparts in other member states. Member states were receptive to the ideas presented by the FSA but had not developed their own definitive positions in the absence of proposals from the Commission.

The European Commission subsequently published a discussion document on 6 June for setting minimum and maximum levels of vitamins and minerals in foodstuffs. A wide range of stakeholders were invited to attend two meetings to discuss the questions raised in the discussion document. The UK response was sent to the Commission by its 30 September deadline.

The fact that the Commission has begun the process of consultation on this issue provides further opportunities for engagement at the EU level, and we will be considering how this is best achieved in advance of the Commission bringing forward proposals for negotiation.

We will continue to explore with the Commission potential flexibility in the system to minimise the impact of the Directive on consumer choice.

I hope that this provides a useful update on the situation.

Yours,



**CAROLINE FLINT**