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European Union Food Law Update

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EUROPEAN UNION FOOD LAW UPDATE

*Nicole Coutrelis**

I. PUBLISHED REGULATIONS

A. *Protected Food Names*

On March 31, 2006, the European Commission published Council Regulation (EC) No. 510/2006 On the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs.¹ This new regulation repealed Council Regulation (EEC) No. 2081/92 On the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs² mainly to bring Community law into conformity with the World Trade Organization (WTO) agreements and the findings of a recent WTO panel.³ Under the new Regulation, persons in third countries (non-European Union members⁴) are entitled to address applications for the protection of geographic names and statements of objection to applications directly to the European Commission.⁵ Persons in third countries can still submit applications and objections via their national authorities if they prefer.

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1. Council Regulation 510/2006, 2006 O.J. (L 93) 12 (EC).

2. Council Regulation 2081/92, 1992 O.J. (L 208) 1 (EEC).

3. Panel Report, European Communities—Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, WT/DS174/R (Mar. 15, 2005).

4. Regulation 510/2006, art. 7, at 17.

5. Regulation 510/2006, art. 5, at 16.

Geographical indications (GIs) and designations of origin (DOs) registered under the repealed Regulation will remain protected.⁶

On March 31, 2006, the European Commission also published Council Regulation (EC) No. 509/2006 On Agricultural Products and Foodstuffs as Traditional Specialities Guaranteed⁷ replacing Council Regulation (EEC) No. 2082/92 On Certificates of Specific Character for Agricultural Products and Foodstuffs.⁸ Protections granted under the old scheme will also remain valid.⁹

B. Food Supplements

On April 1, 2006, the European Commission published Commission Directive No. 2006/37/EC Amending Annex II to Directive No. 2002/46/EC of the European Parliament and of the Council as Regards the Inclusion of Certain Substances.¹⁰ Annex II contains a list of authorized vitamins and minerals in food supplements.¹¹ Additional substances have been added by the new Directive.¹²

C. Foods for Particular Nutritional Uses

On March 21, 2006, the European Commission published Commission Directive 2006/34/EC Amending the Annex to Directive No. 2001/15/EC as Regards the Inclusion of Certain Substances.¹³ Amendments are regarding calcium-L-methylfolate, magnesium L-aspartate, ferrous glycinate, and the replacement of the term "folic acid" by "folate."¹⁴

D. Irradiated Foods

On May 12, 2006, a List of Member States' Authorizations of Food and Food Ingredients Which May Be Treated with Ionising Radiation¹⁵ was published according to Article 4(6) of Directive No. 1999/2/EC of the European Parliament and of the Council On the

6. Regulation 510/2006, whereas 19, at 17.

7. Council Regulation 509/2006, 2006 O.J. (L 93) 1 (EC).

8. Council Regulation 2082/92, 1992 O.J. (L 208) 9 (EEC).

9. Regulation 509/2006, art. 19, at 8.

10. Commission Directive 2006/37, 2006 O.J. (L 94) 32 (EC).

11. Directive 2006/37, at 32.

12. Directive 2006/37, at 32.

13. Commission Directive 2006/34, 2006 O.J. (L 83) 14 (EC).

14. Directive 2006/34, Annex, at 15.

15. Commission Communication, O.J. C 112/6 (2006).

Approximation of the Laws of the Member States Concerning Foods and Food Ingredients Treated with Ionising Radiation.¹⁶ This document replaced the previous list published on March 11, 2003.¹⁷

E. Pesticides

On January 24, 2006, the European Commission published Commission Recommendation 2006/26/EC Concerning a Coordinated Community Monitoring Programme for 2006 to Ensure Compliance with Maximum Levels of Pesticide Residues in and on Cereals and Certain Other Products of Plant Origin and National Monitoring Programmes for 2007.¹⁸

On June 29, 2006, the European Commission published Commission Directive No. 2006/59/EC Amending Annexes to Council Directives No. 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as Regards the Maximum Residue Levels for Carbaryl, Deltamethrin, Endosulfan, Fenithrothion, Methidathion and Oxamyl.¹⁹

F. Organic Foods

On April 13, 2006, the European Commission published Commission Regulation (EC) No. 592/2006 Amending Annex II to Council Regulation (EEC) No. 2092/91 On Organic Production of Agricultural Products and Indications Referring Thereto on Agricultural Products and Foodstuffs.²⁰ By this amendment, the authorization to use composted or fermented household waste for organic production is confirmed without any limitation of time, whereas this authorization was originally provisional and limited to March 31, 2006.²¹

On May 25, 2006, the European Commission published Commission Regulation (EC) No. 780/2006 Amending Annex VI to Council Regulation (EEC) 2092/91 On Organic Production of Agricultural Products and Indications Referring Thereto on Agricultural Products and Foodstuffs.²² The list of additives, carriers and proc-

16. Council Directive 1999/2, 1999 O.J. (L 66) 16 (EC).

17. Commission Communication, O.J. C 56/5 (2003).

18. Commission Recommendation 2006/26, 2006 O.J. (L 19) 23 (EC).

19. Commission Directive 2006/59, 2006 O.J. (L 175) 61 (EC).

20. Commission Regulation 592/2006, 2006 O.J. (L 104) 13 (EC).

21. Council Regulation 2092/91, art. 15, 1991 O.J. (L 198) 1 (EC).

22. Commission Regulation 780/2006, 2006 O.J. (L 137) 9 (EC).

essing aids which may be used in products of plant and animal origin produced by organic methods is amended.²³ The amending provisions will apply from December 1, 2007.²⁴ Also, the use of sodium nitrate and sodium nitrite in some products is to be re-examined before December 31, 2007, with a view to limiting or withdrawing the use of these additives.²⁵

G. Polish Ban on Certain GM and non-GM Maize

On May 11, 2006, the European Commission published Decision 2006/335/EC Authorizing the Republic of Poland to Prohibit on Its Territory the Use of 16 Genetically Modified Varieties of Maize with the Genetic Modification MON 810 Listed in the Common Catalogue of Varieties of Agricultural Plant Species, Pursuant to Council Directive 2002/53/EC²⁶ and a Decision 2006/338/EC Authorising the Republic of Poland to Prohibit on Its Territory the Use of Certain Varieties of Maize Listed in the Common Catalogue of Varieties of Agricultural Plant Species, Pursuant to Council Directive 2002/53/EC.²⁷

H. Genetically Modified Organisms (GMOs)

In February 2006, the European Food Safety Authority (EFSA) published an opinion adopted in December 2005, according to which the BASF Plant Science's genetically modified potato "EH92-527-1" poses no threat to human health.²⁸ Even though the potato is intended mainly to be used in the production of starch for industrial purposes, and not for direct human consumption, the company said it could not exclude the possibility the potato or its starch could end up in foodstuffs.²⁹

23. Regulation 780/2006, whereas 2, at 9.

24. Regulation 780/2006, art. 2, at 9.

25. Regulation 780/2006, Annex, at 10.

26. Commission Decision 2006/335, 2006 O.J. (L 124) 26 (EC).

27. Commission Decision 2006/338, 2006 O.J. (L125) 31 (EC).

28. OPINION OF THE SCIENTIFIC PANEL ON GENETICALLY MODIFIED ORGANISMS ON AN APPLICATION (REFERENCE EFSA-GMO-UK-2005-14) FOR THE PLACING ON THE MARKET OF GENETICALLY MODIFIED POTATO EH92-527-1 WITH ALTERED STARCH COMPOSITION, FOR PRODUCTION OF STARCH AND FOOD/FEED USES, UNDER REGULATION (EC) No 1829/2003 FROM BASF PLANT SCIENCE THE EFSA JOURNAL (2006) 324, 1-20, available at: http://www.efsa.europa.eu/science/gmo/gmo_opinions/1372/gmo_op_ej324_potatoeh92-527-1_en1.pdf.

29. *Id.*

On March 9, 2006, the European Commission published Commission Decision 2006/197/EC Authorising the Placing on the Market of Food Containing, Consisting of, or Produced From Genetically Modified Maize line 1507 (DAS-Ø15Ø7-1) Pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council.³⁰ The authorization holders are Pioneer Overseas Corp and Dow Agrosciences Europe Ltd.³¹

I. Transmissible Spongiform Encephalopathies (TSE)

On February 25, 2006, the European Commission published Commission Regulation (EC) 339/2006 Amending Annex XI to Regulation (EC) 999/2001 of the European Parliament and of the Council as Regards the Rules for Importation of Live Bovine Animals and Products of Bovine, Ovine and Caprine Origin.³² According to this regulation, some countries for which the risk of TSE was previously considered as “highly unlikely”, are now added to the list of countries submitted to “TSE-related trade conditions.”³³ Those countries are Brazil, Chile, El Salvador, Nicaragua, Botswana, Namibia and Swaziland.³⁴

J. Food Contaminants

On February 4, 2006, the European Commission published Commission Regulation (EC) No. 199/2006 Amending Regulation (EC) No. 466/2001 Setting Maximum Levels For Certain Contaminants in Foodstuffs as Regards Dioxins and Dioxin-like PCBs.³⁵

Based upon scientific data available at the same time Regulation (EC) No. 466/2001 was adopted, only levels of dioxins had been set. In the light of new data, dioxin-like Polychlorinated biphenyls (PCBs) new levels have been set in the new regulation. From November 4, 2006, any food or feed in which dioxins and dioxin-like PCBs exceed the maximum levels laid down in Regulation (EC) No. 466/2001 as amended by Regulation (EC) No. 199/2006 will be forbidden from being placed on the European market.

30. Commission Decision 2006/197, 2006 O.J. (L 70) 82 (EC).

31. Decision 2006/197, 2006 O.J. (L 70) 82.

32. Commission Regulation 339/2006, 2006 O.J. (L 55) 5 (EC).

33. Regulation 339/2006, whereas 1,2, at 5.

34. Regulation 339/2006, whereas 1,2, at 5.

35. Commission Regulation 199/2006, 2006 O.J. (L 32) 34 (EC)

II. PENDING DRAFT REGULATIONS

A. Labeling: Health Claims

On May 16, 2006, the European Parliament adopted during their second reading the Proposal for a Regulation on the use of nutrition and health claims made on foods³⁶ issued by the Commission in July 2003.³⁷ The Council is yet to agree on the amended text by the Parliament. The new legislation is expected to be finally adopted in the December 2006.³⁸

B. Food Fortification with Vitamins and Minerals

On May 16, 2006, the European Parliament also adopted during their second reading the Proposal for regulation of the addition of vitamins, minerals and other substances to foods issued by the Commission in November 2003.³⁹ The new regulation is also expected to be finally adopted by the Council in the December 2006.⁴⁰

C. Food Additives

On June 5, 2006, the Council agreed to amend two directives on additives: Council Directive 95/2/EC On Food Additives Other Than Colours and Sweeteners and European Parliament and Council Directive 94/35/EC On Sweeteners for Use in Foodstuffs.⁴¹ In October 2004, the European Commission had issued a proposal to amend these Directives.⁴²

36. *Proposal for a Regulation of the Council amending Regulation EC No./... on nutrition and health claims made on foods*, COM (2006) 607 final (Oct. 13, 2006), available at http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0607_en01.pdf.

37. *Proposal for a Regulation of the European Parliament and of the Council on Nutrition and Health Claims Made on Foods*, COM (2003) 424 final (July 16, 2003), available at http://europa.eu.int/comm/food/fs/fl/fl07_en.pdf.

38. COM (2006) 607 final, at 2.

39. *Proposal for a Regulation of the Council amending Regulation EC No./...on the addition of vitamins and minerals and of certain other substances to foods*, COM (2006) 606 final (Oct. 13, 2006), available at http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0606en01.pdf.

40. COM (2006) 606 final, at 2.

41. Council Directive 2006/52, 2006 O.J. (L 204) 10 (EC).

42. *Proposal for Directive of the European Parliament and of the Council amending Directive 95/2/EC On Food Additives Other Than Colours and Sweeteners and Directive 94/35/EC On Sweeteners for Use in Foodstuffs*, COM (2004) 650 final (Oct. 11, 2004), available at <http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/>

The proposed amendments to these two directives include more stringent requirements for nitrites and nitrates in meat⁴³ (in line with a European Court of Justice ruling of 2000⁴⁴ and a subsequent scientific opinion from the European Food Safety Authority published in September 2003 on the levels of these substances which can be considered safe in meat⁴⁵). The proposed amended legislation also withdraws some permitted additives, allow the use of new food additives and extend permitted uses of some other food additives.⁴⁶ Additionally it is to formalize the temporary European Commission Decision banning the use of certain gelling agents in jelly mini cups, which have been identified as a choking risk.⁴⁷

D. Metrology

In February 2006, the European Parliament approved with amendments the Commission Proposal for a directive of the European Parliament and of the Council Laying Down Rules on Nominal Quantities for Pre-packed products, Repealing Council Directives 75/106/EEC and 80/232/EC, and Amending Council Directive 76/211/EEC.⁴⁸ This new regulation aims at deregulating package sizes for pre-packaged products for most sectors while keeping mandatory nominal quantities only for a limited number of sectors. In April 2006, the Commission prepared an amended proposal ac-

com2004_0650en01.pdf.

43. COM (2004) 650 final, at 2, 3.

44. Case C-3/00, Denmark v. Comm'n., 2003 WL 100551, [2003] ECR I-2643, Celex No. 600J0003, EU: Case C-3/00, ECJ (Mar 20, 2003), available at http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Rechercher&all_docs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-3/00%20%20&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100.

45. OPINION OF THE SCIENTIFIC PANEL ON BIOLOGICAL HAZARDS ON A REQUEST FROM THE COMMISSION RELATED TO THE EFFECTS OF NITRITES/NITRATES ON THE MICROBIOLOGICAL SAFETY OF MEAT PRODUCTS, THE EFSA JOURNAL (2003) 14, 1-34, available at http://www.efsa.europa.eu/science/biohaz/biohaz_opinions/229/opinion_biohaz_04_en1.pdf.

46. COM (2004) 650 final, at 4-7.

47. COM (2004) 650 final, at 4.

48. *Proposal for a Directive of the European Parliament and of the Council Laying Down Rules on Nominal Quantities for Pre-Packed Products, Repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC*, COM (2004) 0708 final, available at http://europa.eu.int/eurlex/en/com/pdf/2004/com2004_0708en01.pdf; *Amended Proposal, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC*, COM (2006) 171 final, available at http://eurlex.europa.eu/LexUriServ/site/en/com/2006/com2006_0171en01.pdf.

cepting some of the amendments proposed by the European Parliament.⁴⁹

III. CASE LAW

A. *Judgments Issued*

1. Shallots

On January 10, 2006, following the submission of request for a preliminary ruling deferred to it by the French Administrative Supreme Court ("Conseil d'Etat"), the European Court of Justice (ECJ), held that the French Order of May 17, 1990 on the marketing of shallots, which authorizes only vegetables grown by vegetative multiplication to be sold in France under the name "échalotte" (shallot), excluding the vegetables grown from seeds and marketed in other Member States under the same name shallot, is contrary to Article 28 of the EC Treaty and the principle of the free movement of goods.⁵⁰ The ECJ added that an indication of the method of production of the shallots will be sufficient to inform consumers.⁵¹

2. Decision of the European Ombudsman

On April 12, 2006, the European Ombudsman has issued a decision on a complaint against the European Commission which allegedly failed to take the necessary steps in order to make Germany

49. *Amended proposal for a Directive of the European Parliament and of the Council Laying Down Rules on Nominal Quantities for Pre-Packed Products, Repealing Council Directives 75/106/EEC and 80/232/EEC, and Amending Council Directive 76/211/EEC*, COM (2006) 0171 final (Apr. 12, 2006), available at http://eur-ex.europa.eu/LexUriServ/site/en/com/2006/com2006_0171en01.pdf.

50. Case C-147/04, *De Groot en Slot Allium BV and Bejo Zaden BV v. Ministre de l'Economie, des Finances et de l'Industrie and Ministre de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires rurales* (French Ministry of Economy and French Ministry of Agriculture), 2006 WL 43924, [2006] ECR I-245, Celex No. 604J0147, EU: Case C-147/04, ECJ (Jan 10, 2006), available at (only in French for the time being): <http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=fr&Submit=Rechercher&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=&datefs=&datefe=&nomusuel=&domaine=&mots=%C3%A9chalote&resmax=100>.

51. *Id.*

comply with two judgments of the ECJ regarding its packaging legislation for certain drinks (Case C-463/01 and Case C-309/02).⁵²

In its rulings in Case C-463/01—considered by the Ombudsman to be the only one relevant within the scope of Article 228 (1) of the EC Treaty—the ECJ had ruled that the German Packaging Regulation regarding an obligatory deposit and return system for non-reusable packaging for mineral water, beer and soft drinks constituted a barrier to intra-Community trade.⁵³

In his decision, the Ombudsman concluded that the Commission wrongly interpreted the obligations incumbent on it pursuant to Article 228 of the EC Treaty by failing to provide convincing arguments to show that no further steps to make Germany comply with the judgment of the Court of Justice in Case C-463/01 were necessary.⁵⁴ Therefore, it is an instance of “maladministration.”⁵⁵

The Ombudsman further noted that the Commission had in the meantime closed the infringement case that led to the judgment of the ECJ in Case C-463/01. However, in the other case, an infringement procedure still appears to be ongoing. The Ombudsman therefore considered that his views could usefully be taken into consideration by the Commission in its assessment of this latter case. It therefore did not appear to be necessary to consider trying to bring about a friendly solution or making a draft recommendation in this case.

IV. OTHER RELEVANT NEWS

A. *Unofficial Documents and Announcements*

1. Novel Foods

On June 2, 2006, an online consultation on the revision of Regulation (EC) No. 258/97 of the European Parliament and Coun-

52. Case C-463/01, *Comm'n v. Germany*, [2005] 1 C.M.L.R. 34; Case C-309/02, *Radlberger and others v. Land Baden-Württemberg*, 2004 WL 2900530, [2005] All E.R. (EC) 1001, [2005] 1 C.M.L.R. 35, [2004] ECR I-11763, *Celex* No. 602J0309, EU: Case C-309/02, ECJ, (Dec 14, 2004), available at <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Rechercher&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-309/02&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100>.

53. Case C-463/01, *Comm'n v. Germany*, [2005] 1 C.M.L.R. 34.

54. *Id.*

55. *Id.*

cil Concerning Novel Foods and Novel Food Ingredients⁵⁶ was launched by the European Commission to gather input from all interested parties (consumers, food industry, Member States, etc.) in order to carry out an impact assessment for a future legislative proposal to revise the current regulation.⁵⁷ Such revision is considered necessary for several reasons, including to improve the present authorization procedure and to facilitate both internal and external trade in foodstuffs. The consultation is to end on August 1, 2006.⁵⁸

2. Food Labeling

In February 2006, the European Commission's Health & Consumer Protection Directorate (DG SANCO) has issued a consultative document on food labeling to address the issues of competitiveness, consumer information and better regulation⁵⁹ in order to redefine the foundations of its approach and launch a dialogue with the stakeholders. Interested stakeholders were to send their comments to the Commission by June 16, 2006.⁶⁰

3. Nutrition Labeling

Following a previous consultation conducted in 2003, the European Commission has launched a new consultation in May 2006 on a discussion paper on revision of technical issues⁶¹ raised by Council

56. See European Commission (EC), *Public Consultation on Revision of Novel Food Regulation EC N° 258/97* http://ec.europa.eu/food/food/biotechnology/novelfood/initiatives_en.htm (last visited Dec. 28, 2006); EUROPEAN COMMISSION, EXPLANATORY DOCUMENT REVISION OF REGULATION (EC) NO 258/97 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27 JANUARY 1997 CONCERNING NOVEL FOODS AND NOVEL FOOD INGREDIENTS (May 31, 2006), *available at* http://ec.europa.eu/food/food/biotechnology/novelfood/nfia_expl_doc.pdf, [hereinafter EXPLANATORY DOCUMENT]; and Council Regulation 258/97 of the European Parliament and Council Concerning Novel Foods and Novel Food Ingredients", 1997 O.J. (L 43) 1 (EC).

57. EXPLANATORY DOCUMENT, *supra* note 56.

58. *Id.*

59. EUROPEAN COMMISSION, HEALTH AND CONSUMER PROTECTION DIRECTORATE-GENERAL, LABELLING: COMPETITIVENESS, CONSUMER INFORMATION AND BETTER REGULATION FOR THE EU, (Feb. 2006), *available at* http://ec.europa.eu/food/food/labellingnutrition/betterregulation/competitiveness_consumer_info.pdf.

60. *Id.*

61. EUROPEAN COMMISSION, HEALTH AND CONSUMER PROTECTION DIRECTORATE-GENERAL, DIRECTIVE 90/496/EEC ON NUTRITION LABELLING FOR FOODSTUFFS:

Directive 90/496/EEC On Nutrition Labelling for Foodstuffs.⁶² Stakeholders are to send their comments by July 14, 2006. According to this discussion paper, the main issues raised to Directive 90/496/EEC relate to updating the Dietary Reference Values for vitamins and minerals, the definitions of nutrients, energy conversion factors, and tolerances for nutrient declarations.

In the meantime, the Confederation of the Food and Drinks Industries of the EU (CIAA) has developed voluntary labeling guidelines for nutritional information on packaged goods. These recommendations have been prepared in line with the requirements set in Directive 90/496/EEC.

4. Food Supplements

In February 2006, the European Food Safety Authority issued guidelines on Tolerable upper intake levels for vitamins and minerals.⁶³

In June 2006, the European Commission issued a Discussion Paper on the issues raised by the setting of maximum and minimum amounts for vitamins and minerals in foodstuffs.⁶⁴ Interested stakeholders are to send their comments to the Commission by September 30, 2006.

European Parliament and Council Directive 2002/46/EC On the Approximation of the Laws of the Member States Relating to Food Supplements⁶⁵ provides for the setting of maximum and minimum amounts of vitamins and minerals in food supplements. Similar provisions are also contained in the Regulation on the Addition of Vitamins and Minerals and of Certain Other Substances to Foods

DISCUSSION PAPER ON REVISION OF TECHNICAL ISSUES (Feb. 2006), *available at* <http://www.food.gov.uk/multimedia/pdfs/nutritionlabellingdiscuss.pdf>.

62. Council Directive 90/496, 1990 O.J. (L 276) 40 (EC).

63. SCIENTIFIC COMMITTEE ON FOOD, HEALTH AND CONSUMER PROTECTION DIRECTORATE-GENERAL, EUROPEAN COMMISSION, GUIDELINES OF THE SCIENTIFIC COMMITTEE ON FOOD FOR THE DEVELOPMENT OF TOLERABLE UPPER INTAKE LEVELS FOR VITAMINS AND MINERALS (Nov. 28, 2006), *available at*: http://ec.europa.eu/food/fs/sc/scf/out80a_en.pdf

64. Scientific Committee on Food, Health and Consumer Protection Directorate-General, Discussion Paper on the Setting of Maximum and Minimum Amounts for Vitamins and Minerals in Foodstuffs, (June 2006), *available at* http://ec.europa.eu/food/food/labellingnutrition/supplements/discus_paper_amount_vitamins.pdf.

65. European Parliament and Council Directive 2002/46, 2002 O.J. (L 183) 51 (EC).

on which the European Parliament recently voted in favor but which still needs to be adopted by the Council.

5. Food Hygiene

On January 5, 2006, the European Commission published a new version of the *Guidance Document on Certain Key Questions Related to Import Requirements and the New Rules on Food Hygiene and on Official Food Controls*.⁶⁶

6. Genetically Modified Organisms (GMOs)

In February 2006, the European Commission's Joint Research Centre published a new report on the co-existence of GM and non-GM crops and seeds so as to identify how farmers can reduce the "adventitious"—unintended and unavoidable—presence of genetically modified material in non-genetically modified harvests.⁶⁷

7. Aspartame

Following the controversial results of the study carried out on the artificial sweetener aspartame during the summer of 2005 by the Italian scientific Ramazzini Institute, the European Food Safety Authority reconfirmed the safety of this sweetener in an opinion of May 3, 2006 after having carried out a new evaluation on the carcinogenicity of aspartame.

8. Obesity

The members of the EU Platform met on Diet, Physical Activity and Health met on March 14, 2006,⁶⁸ July 6, 2006.⁶⁹ The purpose of

66. SCIENTIFIC COMMITTEE ON FOOD, HEALTH AND CONSUMER PROTECTION DIRECTORATE-GENERAL, EUROPEAN COMMISSION, *GUIDANCE DOCUMENT ON CERTAIN KEY QUESTIONS RELATED TO IMPORT REQUIREMENTS AND THE NEW RULES ON FOOD HYGIENE AND ON OFFICIAL FOOD CONTROLS* (Jan. 5, 2006), available at http://ec.europa.eu/food/international/trade/interpretation_imports.pdf.

67. A. Messean, F. Angevin, M. Gómez-Barbero, K. Menrad and E. Rodríguez-Cerezo, *NEW CASE STUDIES ON THE COEXISTENCE OF GM AND NON-GM CROPS IN EUROPEAN AGRICULTURE*, *Technical Report Series of the Joint Research Center of the European Commission*, EUR 22102 EN (Jan. 2006) available at <http://www.jrc.es/home/pages/eur22102enfinal.pdf>.

68. EU PLATFORM ON DIET, PHYSICAL ACTIVITY AND HEALTH, *PLENARY MEETING TUESDAY 14 MARCH 2006 SUMMARY REPORT*, available at

the platform is designed to promote concrete actions designed to contain or reverse current trends rather than an informational outlet;⁷⁰ the Platform meets every two months for plenary meetings so as to monitor overall progress and discuss issues.⁷¹

9. BSE

In March 2006, the Standing Committee on the Food Chain and Animal Health adopted unanimously a favorable opinion on a European Commission proposal to lift the embargo on United Kingdom (UK) exports of live cattle, beef and beef products. The ban on the export of UK beef had been issued in March 1996 (with certain derogations introduced in 1999), due to the high incidence of BSE cases in the UK at the time. Once the proposal is adopted and published in the Official Journal, the UK will be able to export live cattle born after August 1996, and bovine meat and products produced after June 15, 2005, under the same terms as other Member States.

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/docs/ev_20060314_mi_en.pdf.

69. EU PLATFORM ON DIET, PHYSICAL ACTIVITY AND HEALTH, PLENARY MEETING TUESDAY 4 JULY 2006 SUMMARY REPORT, *available at* http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/docs/ev_20060704_mi_en.pdf

70. Physical Activity and Health - EU Platform for Action, http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platfom_en.htm.

71. *Id.*

