

## Muscle your products with a regulatory workout

Numerous new European regulatory developments (health claims, novel foods, information to consumers, food for specific groups) that may impact the nutrition and health market are awaited this year.

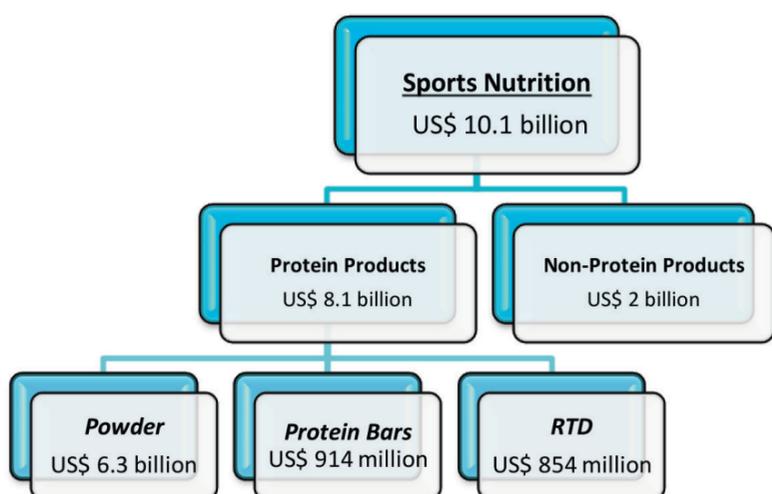
**Sport foods** should currently be regulated as Foodstuffs for particular nutritional uses (PARNUTS) according to Directive 2009/39/EC and have to comply with specific provisions on the labelling of dietetic foods.

However, there is no harmonized legislation with composition criteria at European level for this category, only some Member States may have specific rules and have established a notification procedure for those products.

Likewise, in the specific sports foods area, the Regulation (EU) N° 609/2013 on the revision of PARNUTS legislation has entered into force on July 19<sup>th</sup>, 2013 and most of the provisions shall apply from July 20<sup>th</sup>, 2016.



### Sports Nutrition Global Sales in 2014



SOURCE: Euromonitor

The "PARNUTS" framework and specific provisions will stay only for a limited number of well-established categories, covered by this new regulation:

- food intended for infants and young children
- infant formula and follow-on formula
- processed cereal-based food and baby food
- food for special medical purposes
- total diet replacement for weight control.

**It means that Sports foods would no longer belong to PARNUTS category and those products will become**

**ordinary foods, fortified foods or food supplements,** with possible nutrition and health claims.

Reports accompanied, if necessary, by legislative proposals on specific provisions for foods intended for sportsmen should be presented by Commission by 20 July 2015.

In the meantime, the food supplement regulatory category is the most appropriate status for which composition, rules of labeling, health claim, notification procedure is clarified Member State by Member State, leading companies to register their products in this category.

### CONTENTS

<b>FOOD SUPPLEMENTS</b>	
Definition .....	p 2
Food Supplements Market .....	p 2
EFSA conclusions on caffeine RI or NRV for labelling .....	p 3
<b>SPORT FOODS</b>	
Definition .....	p 4
Segmentation of the sports nutrition products .....	p 4
Fitness market in Europe .....	p 4
Category leaders market share .....	p 4
Focus on sports drinks .....	p 4
How well is the sports sector doing in Europe? .....	p 4
Authorized Health Claims .....	p 5
Clinical studies .....	p 5
<b>FOOD INGREDIENTS</b>	
Definition .....	p 6
Health claims on gut and immune function .....	p 6
Ingredients Market .....	p 6
Novel foods revision .....	p 7
Engineered nanomaterial .....	p 7
Activities on botanicals in Europe .....	p 7
<b>EVENTS</b> .....	p 8

For more scientific and regulatory information, visit our blog:



### NUTRAVERIS ON-LINE 2.0

**The European reference database**

**On 2100 Ingredients, 132 applications, find all the data:**

- **SCIENTIFIC (Efficacy - Safety)**
- **REGULATORY (European regulatory status - opinions - health claims)**

**Get your products authorized in Europe!**



**Nutraveris**   
The European Scientific and Legislative Expertise  
Evidence of Success in Nutrition & Health



- Regulatory Expertise and approval: Formula & Communication
- Scientific substantiation: Efficacy & Safety
- Prepare & submit your regulatory files: Health claim & Food Safety
- Scientific and regulatory intelligence in the Nutraveris On-line database.

Contact our experts now

+33 2 96 76 54 87

[contact@nutraveris.com](mailto:contact@nutraveris.com)

**Nutraveris**   
The European Scientific and Legislative Expertise

Evidence of Success in Nutrition & Health

**NUTRAVERIS** is a consulting company in scientific and regulatory affairs, leader in Europe in Nutrition and health market.

## SCIENTIFIC INNOVATION

**Key success factors from the marketing concept...  
...to the product launch**

- Scientific analysis
- Medical Writing
- Patent
- Formulation
- Scientific substantiation
- Clinical study
- Health claim
- Product authorization

**Food supplements**  
**Sport foods**  
**Dietetic foods**  
**Fortified foods**  
**Ingredients**  
**Plants**



## REGULATORY EXPERTISE

- **Legal solutions** in 28 EU member states: regulatory analysis and notification
- **Novel food** authorization
- **Compliance** assessment
- **13.1 Health claim** review according to EU Reg 432 / 2012 - 536/2013
- **13.5 and 14 Health claims** application through EFSA

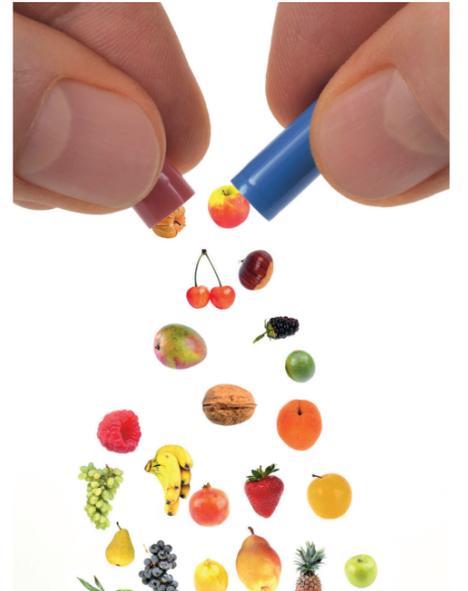
**Contact our experts now**

**+33 2 96 76 54 87**  
**www.nutraveris.com**  
**contact@nutraveris.com**

## EXPERTISE

# FOOD

- The purpose of **food supplements** which are foodstuffs is to supplement the normal diet. They are concentrated sources of nutrients or other substances with a nutritional or physiological effect. They are marketed in dose form designed to be taken in measured small unit quantities.
- **Directive 2002/46/EC** establishes the specific provisions on the labelling of food supplements and lists **vitamins and minerals (and their forms) authorized** in food supplements. However, maximum amounts of those vitamins and minerals as well as the use of **substances with a nutritional or physiological effect including botanicals** are not harmonized at European level. For formulation of a food supplement, the national specific legislations as amended on **authorized ingredients** and possible maximal daily doses have to be checked.
- General food law (food safety, information to consumers, novel foods, nutrition and health claims,...) also applies to food supplements.
- For placing a food supplement on the market, each of the 28 Member States has established its own **notification or registration procedure**.

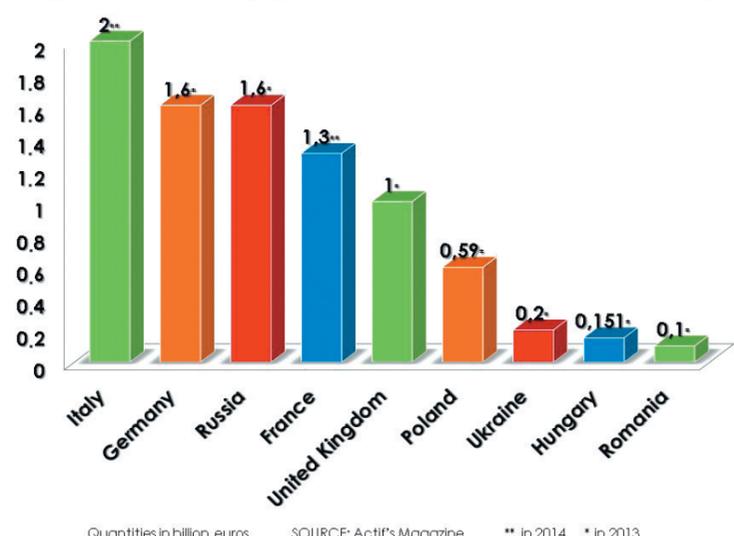


## MARKET

# Worldwide and European Market



## Major Food Supplement's Market in Europe



## EXPERTISE

# SUPPLEMENTS

## NEWS

## Main provisional conclusions of EFSA on the safety of caffeine

EFSA has launched a public consultation regarding its draft scientific opinion on the safety of caffeine.

EFSA reached the following main provisional conclusions on caffeine intakes which do not raise safety concerns for specific groups of the general population:

### Adults:

- Single doses of up to 200 mg (3 mg/kg body weight) from all sources do not raise safety concerns, even if consumed less than two hours prior to intense physical exercise under normal environmental conditions.
- Caffeine intakes from all sources **up to 400 mg per day** (about 5.7 mg/kg body weight) do not raise safety concerns for adults in the general population, except pregnant women.
- Other common **constituents of "energy drinks"** (i.e. taurine, D-glucurono-lactone) and **alcohol are unlikely to interact adversely with caffeine.**

- The short and long-term effects of co-consumption of **caffeine and synephrine** on the cardiovascular system **have not been adequately investigated** in humans.

### Pregnant women:

Caffeine intakes from all sources **up to 200 mg per day** by pregnant women in the general population do not raise safety concerns for the foetus.

### Lactating women:

**Single doses of caffeine up to 200 mg** and caffeine intakes of 400 mg per day (about 5.7 mg/kg per day) consumed by lactating women in the general population do not raise safety concerns for the breastfed infant.

### Children and adolescents:

Owing to the limited information available for this population subgroup, caffeine intakes are not derived for acute consumption in adults (**3 mg/kg body weight per day**) and may serve as a basis to derive daily caffeine intakes of no concern for children and adolescents.

Interested parties are invited to submit their written comments about this draft opinion **by 15 March 2015**. EFSA will also organize a **scientific meeting on 5 March 2015** in Brussels in order to exchange scientific views on this draft opinion with other stakeholders.

This scientific opinion was asked by the European Commission during the discussions concerning **on hold health claims related to caffeine** (on endurance, alertness and concentration). Indeed, Member States expressed concerns about relation to the safety of caffeine intake within different target groups of the population. So when the EFSA's scientific opinion will be finalized and published, European Commission and Member States should take a decision concerning on hold health claims related to caffeine.

This European scientific opinion could also be a basis of a possible positive harmonization **for food and food supplements with caffeine in the current complex regulatory context:**



- Regulation (EU) N° 1169/2011 on information to consumers established **additional mandatory mentions for foods supplements and foods other than the beverages in which caffeine is added with a physiological purpose:** "Not recommended for children or pregnant women (X mg caffeine / per portion or per 100 g/ml )" in the same field of vision as the name of the food.

- Currently some Member States have **low maximal daily dosages for caffeine** (for example for food supplements 80 mg/day in Belgium and 100 mg/day in France).

- Some Member states have also **forbidden products containing Citrus aurantium containing synephrine combined with caffeine.**

## RI or NRV for labelling of food supplements?

According to Regulation (EU) N° 1169/2011, applicable since 13 December 2014, the terms **Reference Intakes (RIs) and/or Nutrient Reference Values (NRVs)** replace **Recommended Daily Allowances (RDAs)** for vitamins and minerals set out in previous Directive 90/496/EEC. The new wording does not include changes in terms of value.

For food supplements, current indica-

tions from European discussions are that you should use the generic term "Reference Intakes" (RI) in interests of consistency with other foodstuffs. The term "nutrient reference values" (NRVs) could also be used with RI.

For food supplements, it is also needed to apply the European Guidance on tolerances for labelled nutrient values for tolerance values and round numbers for vitamins and minerals.



## Do you know?

Nutraveris 

Online



## Nutraveris ACHIEVEMENTS

More than 1000 food supplements and sport foods audited and notified in the different European Member States.

National Authorization of exceeding maximum permitted limit dosages granted (e.g: Chromium, Vitamin D) for France, Belgium...

Preparation of several Appendixes 2 (Quality) and 3 (Safety) meeting the new French law requirements on botanicals.

Formulation of a brand new range of food supplements for women health (menopause, pregnancy, nausea, libido...)

Formulation and development of liquid food supplements without preservatives for skin, heart and joints.

Training of different big players in the industry on the EU regulation on Food Supplements, Sports Foods and strategic solutions.



EXPERTISE

# SPORT FOODS

According to the **Directive 2009/39/EC Foods for sportspeople** are currently Foodstuffs for particular nutritional uses (PARNUTS) and have to comply with specific provisions on the **labelling of dietetic foods**. There is no harmonized legislation with **composition** criteria at European level for this category. However, some Member States may have specific rules. Indeed, some countries have established a **notification procedure** for those products.

General food law (food safety, information to consumers, novel foods, nutrition and health claims...) also applies to sport foods.

From July 2016 : According to **Regulation (EU) N° 609/2013** concerning the

revision of PARNUTS legislation, all foods for sportspeople should become ordinary foods, fortified foods or food supplements, with possible nutrition and health claims.

However Regulation (EU) No 609/2013 requires the European Commission, after consulting EFSA, to present to both the European Parliament and the Council a report on the necessity, if any, of provisions for food intended for sportspeople.

The Commission is currently working on the preparation of this report, taking into account the implementation of the rules on health claims for sportspeople.

## Category leaders market share

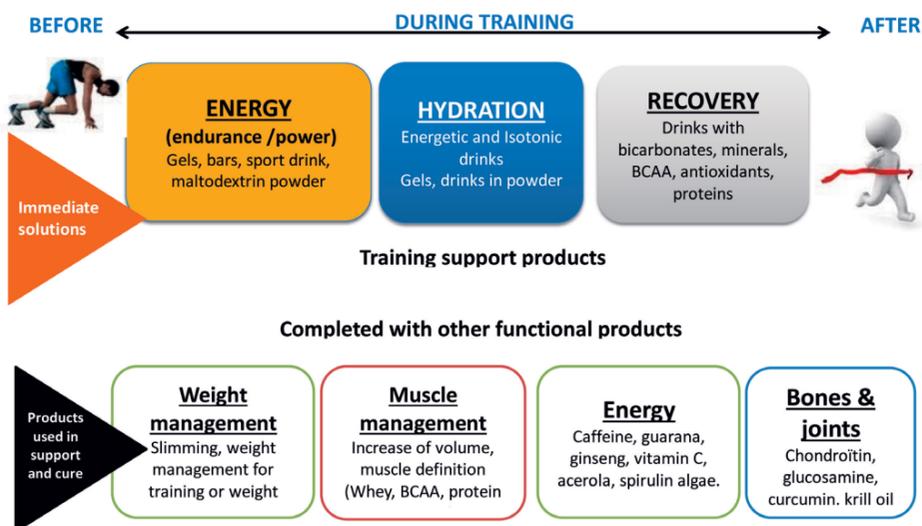
<b>OTC</b> - Johnson & Johnson Inc, 9% - GlaxoSmithKline Plc, 5% - Novartis AG, 5% - Bayer AG, 4% - Sanofi, 4%	<b>Food Supplement</b> - Amway Corp, 5% - Pfizer Inc, 3% - Otsuka Holdings Co Ltd, 2% - Bayer AG, 2% - NBTY Inc, 2%
<b>Weight Management</b> - Herbalife Ltd, 22% - Unilever Group, 4% - Kellogg Co, 3% - GlaxoSmithKline Plc, 2% - Amway Corp, 2%	<b>Sport Nutrition</b> - Glanbia Plc, 10% - Cytosport Inc, 6% - NBTY Inc, 5% - General Nutrition Centers Inc, 4% - Nestlé SA, 2%

© Euromonitor International

CONSUMER HEALTH: CORPORATE STRATEGIES

MARKET

## Segmentation of the sports nutrition products



In collaboration with Florence CULTIER from Pepswork, www.pepswork.com

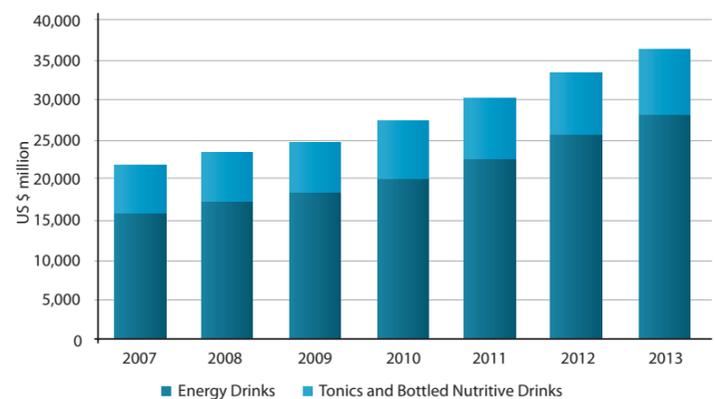
## Fitness market in Europe

The UK and Germany are in pole position with 7.6 million of fitness club members.

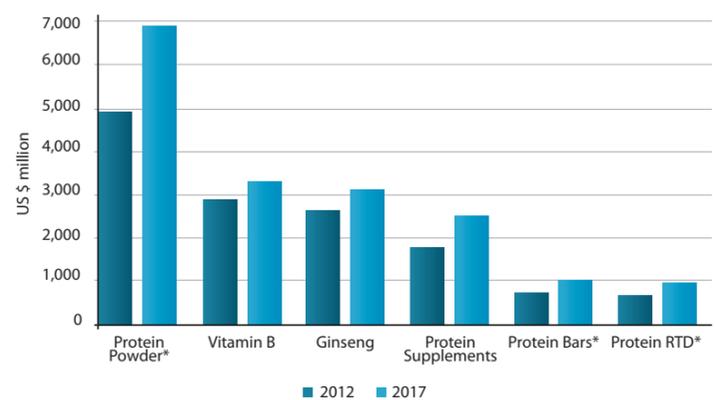


## Focus on sports drinks

Global Energy Drink, Tonics and Bottle Nutritive Drink Sales (US\$, RSP), 2007-2013, source EUROMONITOR



Global Sales (US\$, RSP) of Select Energy-Promoting Supplements, 2012 vs. 2017, source EUROMONITOR



## How well is the sports sector doing in Europe?

According to the EUROBAROMETRE study, 65% of the working population and 40% of sportspeople in Europe practice sport at least once a week. Fitness rooms are appreciated

by 11% of them in Europe whereas only by 2% in France. In other words, 44 million of sportspeople go working out in a fitness room. By 2020, they should be around 80 million.

### Why do people practice a physical activity?

- To improve their health: ..... 61 %
- To improve fitness: ..... 41 %
- To have fun: ..... 31 %
- To relax: ..... 39 %
- To improve their physical appearance: ..... 24 %
- To improve physical performance: ..... 24 %
- To control their weight: ..... 24 %
- To be with friends: ..... 22 %
- To counteract the effects of ageing: ..... 15 %

Florence CULTIER from Pepswork - Eurobarometre 2010

EXPERTISE

HEALTH CLAIMS

# A new authorized health claim on carbohydrates and recovery of normal muscle function

Until the end of 2014, the authorized health claims that could be linked to sport concerned some micronutrients (e.g vitamin C), proteins (for muscle mass), creatine (physical performance) and carbohydrate-electrolyte solutions (for absorption of water during physical exercise and maintenance of endurance performance).

Regulation (EU) 2015/7 of 6 January 2015 has recently authorized a health claim concerning carbohydrates clearly intended for sportspeople:

“Carbohydrates contribute to the recovery of normal muscle function (contraction) after highly intensive and/or long-

lasting physical exercise leading to both muscle fatigue and the depletion of glycogen stores in skeletal muscle”.

With the following conditions of use:

- The claim may be used only for food providing carbohydrates which are metabolised by humans (excluding polyols).
- Information shall be given to the consumer that the beneficial effect is obtained with the consumption of carbohydrates, from all sources, at a total intake of 4 g per kg body weight, at doses, within the first 4 hours and no later than 6 hours, following highly intensive and/or

long-lasting physical exercise leading to muscle fatigue and the depletion of glycogen stores in skeletal muscle.

- The claim may be used only for foods intended for adults who have performed highly intensive and/or long-lasting physical exercise leading to muscle fatigue and the depletion of glycogen stores in skeletal muscle.

However, in the meantime five health claims on glucose which received positive opinions from EFSA in 2012 have been rejected in Regulation (EU) 2015/8 of 6 January 2015:

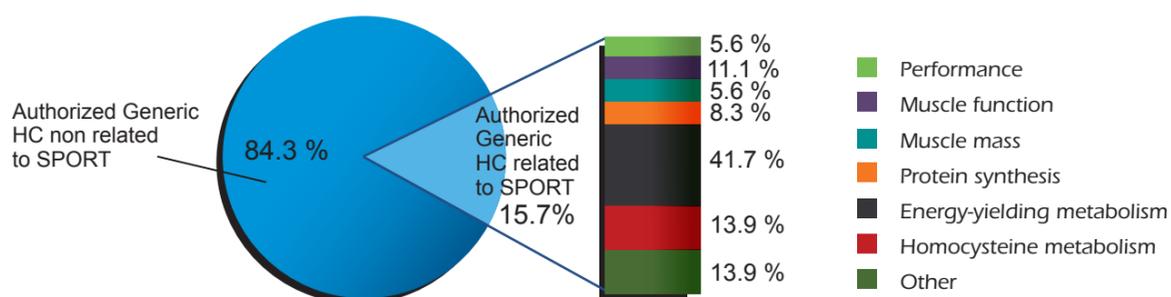
- Glucose is metabolised within body's normal energy metabolism
- Glucose supports normal physical activity
- Glucose contributes to normal energy-yielding metabolism
- Glucose contributes to normal energy-yielding metabolism during exercise
- Glucose contributes to normal muscle function

The European Commission considers that those health claims are inconsistent with the most accepted nutrition health principles and they would

encourage consumption of sugars for which national and international authorities inform the consumer that their intake should be reduced and concludes that such a health claim does not comply with point (a) of the second paragraph of Article 3 of Regulation (EC) No 1924/2006 which foresees that the use of claims should not be ambiguous or misleading.

It seems that as a consensus on nutrient profiles has not been reached, European Commission and Member States are using other conditions set in Regulation (EC) N° 1924/2006 to avoid that foods high in sugars could bear health claims.

## Distribution of generic health claims related to sport



## Authorized Health Claims

- Carbohydrate-electrolyte solutions
- Creatine
- Potassium
- Protein
- Vitamin D
- Calcium
- Magnesium
- Vitamin C
- Water
- Biotin
- Copper
- Iodine
- Iron
- Manganese
- Niacin
- Vitamin B5
- Phosphorus
- Riboflavine
- Thiamine
- Vitamin B12
- Vitamin B6
- Zinc
- Betaine
- Choline
- Folate



## Typical wording

- Creatine increases physical performance in successive bursts of short-term, high intensity exercise.
- Potassium contributes to normal muscle function.
- Protein contributes to a growth in muscle mass.
- Protein contributes to the maintenance of muscle mass.
- Vitamin D contributes to the maintenance of normal muscle function.
- Calcium contributes to normal muscle function.

## CLINICAL STUDIES

### Effects of supplemental citrulline-malate ingestion on blood lactate, cardiovascular dynamics, and resistance exercise performance in trained males.

Wax B, Kavazis AN, Luckett W. J Diet Suppl. 2015 Feb 12.

Citrulline-malate (CM) has been proposed to provide an ergogenic effect during resistance exercise. This study investigated the impact that CM supplementation would have on repeated bouts of resistance exercise. 14 resistance-trained males participated in a randomized, counterbalanced, double-blind study. Subjects were randomly assigned to placebo (PL) or

CM (8 g) and performed three sets each of chin-ups, reverse chin-ups, and push-ups to failure. One week later, subjects ingested the other supplement and performed the same protocol. Blood lactate (BLa), heart rate (HR), and blood pressure (BP) were measured preexercise, with BLa measured a second time immediately following the last set, while HR and BP were measured 5 and 10 min postexercise. **Citrulline-**

**malate ingestion significantly increased the amount of repetitions performed for each exercise** (chin-ups: PL = 28.4 ± 7.1, CM = 32.2 ± 5.6, p = .003; reverse chin-ups: PL = 26.6 ± 5.6, CM = 32.1 ± 7.1, p = .017; push-ups: PL = 89.1 ± 37.4, CM = 97.7 ± 36.1, p < .001). Collectively, **these findings suggest that CM increased upper-body resistance performance in trained college-age males.**

### Acute protease supplementation effects on muscle damage and recovery across consecutive days of cycle racing.

Shing CM, Chong S, Driller MW, Fell JW. Eur J Sport Sci. 2015 Jan 21:1-7.

Bromelain, a mixture of proteases obtained from pineapples, has been demonstrated to reduce exercise-induced muscle damage and inflammation, enhancing recovery. This investigation aimed to establish if markers of muscle damage and testosterone were influenced by acute bromelain supplementation in competitive cyclists taking part in a six-day cycle stage race. 15 highly trained cyclists were supplemented with either bromelain (1000 mg/day) (n =

8) or a placebo (n = 7) across six days of competitive racing in a randomised, double-blind, placebo-controlled trial. Blood was collected from each cyclist on days one, three and six of racing and analysed for creatine kinase (CK), myoglobin, lactate dehydrogenase (LDH) and testosterone. CK activity (P < 0.001, d = 17.4-18.8), LDH activity (P < 0.004, d = 0.5-2.5) and myoglobin concentration (P < 0.007, d = 3.4-4.8) were elevated from pre-race on days three and six of racing in both groups. Testosterone concentrations were significantly lower on the final day of racing (P =

0.03, d = 1.3) and there was a trend for bromelain to maintain testosterone concentrations across the race period (P = 0.05, d = 1.04-1.70) when compared to placebo. **Fatigue rating was lower in the bromelain group** on day four of racing (P = 0.01). Consecutive days of competitive cycling were associated with increased markers of muscle damage and a reduction in circulating testosterone across the race period. **Bromelain supplementation reduced subjective feelings of fatigue and was associated with a trend to maintain testosterone concentration.**



## Nutraveris ACHIEVEMENTS

Formulation & Labelling analysis and Registration of more than 500 Sport foods in the different EU Member States.

Formulation and development of Foods for Special Medical Purposes.

Training of different big players in the industry on the EU Food Supplements regulation, Sports Foods and strategic solutions.

EU Authorization of new forms of minerals.



## EXPERTISE

# FOOD INGREDIENTS



Numerous legislations concerning food ingredients have to be taken into account for product formulation, particularly:

- Regulation (EC) N° 1333/2008 on food additives
- Regulation (EC) N° 1334/2008 on food flavourings
- Regulation (EC) N° 1332/2008 on food enzymes
- Positive lists of vitamins and minerals issued

from the Directive 2002/46/EC, Regulation (EC) N° 953/2009 and Regulation (EC) N° 1925/2006

- Regulation (EC) N° 258/97 on novel foods and novel food ingredients which have not been used for human consumption to a significant degree within Europe prior to 15 May 1997, for which an authorization is needed before launching the product on the market (full authorization procedure or substantial equivalence).

Some specific national rules may exist for substances with a nutritional or physiological effect as for botanicals.

Our Nutraveris Online database lists the legislative status in countries for more than 2100 ingredients with nutritional or physiological effect for use in food supplements. The communication on those ingredients is regulated by Regulation (EC) N° 1924/2006 on nutrition and health claims.

## Botanicals

The use of botanicals in foods is currently not harmonized at European level. Each European Member State may have its own positive and/or negative lists of botanicals, with possible specific conditions of use (parts of plants, warnings, maximal doses...). Our Nu-

traveris Online database lists the legislative status in countries for more than 2100 ingredients with nutritional or physiological effect, including botanicals, for use in foods supplements.

In the framework of Regulation (EC) N° 1924/2006, the process of evaluation for health claims on botanicals is still under consideration by the European Commission.



## MARKET

### Health claims on gut and immune function: small concessions from EFSA without no clear standpoint

Following a public consultation, EFSA has just published an update of the guidance on the scientific requirements for health claims related to gut and immune function and the outcome of this public consultation. This updated was long-awaited by manufacturers since gut and immunity are two health applications with very low success rates. Health claims on immune function are notably arduous, with authorization only for vitamins and minerals. The reason of this particular context is due to the specific evaluation of claims on essential nutrients (vitamins and minerals). It is interesting to note that, for the first time, EFSA recognized in these documents that claims for well-established functions of essential nutrients are treated in a different way other than claims. The requirements for the definition of the claimed effect, for the scientific substantiation of the claim and for establishing conditions of use, differ between essential nutrients and other foods/ingredients. This position explains the difference between health claims submitted pursuant to Article 13(5) of Regulation (EC) N°1924/2006, which are almost all rejected, and health claims on vitamins and minerals which have been accepted with unjustified conditions of use (15% of RDA), based on the health function affected by deficiency

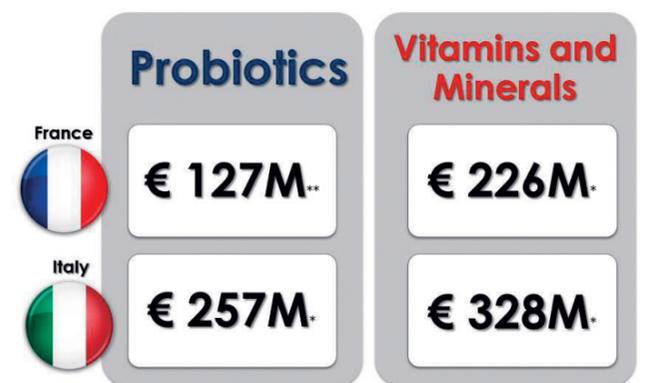
and not by the demonstration of the efficacy of a supplementation. Even if this was already known, EFSA indicates firmly for the first time in this document that health claim evaluations are not equivalent, a point of view that may be in contradiction with Regulation (EC) N°1924/2006.

In the outcome of the public consultation, EFSA refuses to give any opinion on several wordings, new populations or on markers that may be pertinent for the substantiation of a claimed effect, arguing that a specific application is required to obtain the EFSA position on these specific parameters. However, the NDA panel has broadened the possibilities of health claims, notably regarding health claims on immunity which were so far very limited. For instance, health claims related to defense against pathogens may be now substantiated by studies conducted in new populations, including notably travelers to high risk countries, subjects under heavy physical exercise, elderly individuals in nursing homes, etc. Another example of the evolution of EFSA position on health claim on immune system is the acceptance of a "beneficial change in response to allergen" as a beneficial physiological effect. Such claims can be substantiated by

human studies showing a decrease incidence, severity and/or duration of allergic manifestations in subjects at risk of allergic reactions. This updated guidance does not revolutionize the system, but provides new possibilities for health claims on immune function.

However, even if EFSA has made few concessions, this update will not change significantly the situation. EFSA still refuses any pre-submission meeting or to give its opinion on specific points (accepted population, health relationship, outcomes, etc) without any specific application, two points that are frequently requested by applicants. The NDA panel also frequently reminds the applicants about the evaluation of evidences on a case-by-case basis. Gut and immunity remain consequently difficult applications in the context of health claims, with several parameters which still have to be validated by EFSA. Health claims on these applications require a real expertise that Nutraveris has acquired thanks to its perfect knowledge of health claim applications, EFSA requirements and design of pertinent clinical trials. Do not hesitate to contact our experts for more information on health claim applications in Europe.

## Ingredients Market



\* In 2013

\*\* in 2014

Source: IMS

## Ingredient's Worldwide Sales

	2011 (Billion \$)
Multivitamins	\$16,12 G
Tonic and Nutritional Drinks	\$7,53 G
Combinaisons	\$7,4 G
Calcium	\$5,2 G
Vitamin B	\$4,5 G
Vitamin C	\$4,2 G
Minerals	\$3,55 G
Omega 3	\$3,08 G
Probiotics	\$2,7 G
Ginseng	\$2,5 G

EXPERTISE

NEWS

# Novel foods revision

European Commission has published in December 2013 a new legislative proposal on the revision of the Novel Food regulation.

Compared with the current Regulation (EC) N° 258/97, this proposal for a regulation on novel foods:

▪ **Clarifies the Novel food definition:**

- The main criteria for the Novel Food definition remain unchanged (foods and food ingredients which were not consumed in the EU to a significant degree before 15 May 1997).
- Current categories of Novel foods have disappeared though.
- Engineered nanomaterials are clearly included in this definition.
- Foods from animal clones are not within the scope, they are addressed in a

separate legislative proposal.

▪ **Improves the authorization procedure:**

- One centralized procedure at European level for the assessment (by EFSA) and authorization (Commission and SCFCAH) of novel foods, it would last 18 months instead of 3 years in average currently.
- Current system of individual authorizations replaced by generic authorizations. However, for really innovative novel foods, authorization with data protection will be granted to the applicant for a 5 year period.
- A simplified procedure for the placing on the market of the traditional foods from third countries which have not been marketed in the EU but which have a history of safe use in non-EU countries.

Following numerous discussions, the European Parliament's Environment, Public Health, and Food Safety (ENVI) Committee has published in December 2014 its final Report on the Commission's proposal for the revision of Regulation on novel foods.

The main amendments introduced by ENVI Committee are the following:

▪ **Clarification of the scope and definitions:**

- Re-introduction of categories of novel foods as in Regulation 258/97 in an updated form, and adoption of a guidance document – following consultation with stakeholders – on the categories of novel foods to assist the applicants and the Member States in understanding whether a food falls within the scope of the Regulation.



- Definition of "nano"-foods amended in line with EFSA recommendations (10% of nano-particles threshold for a food ingredient to qualify as "nano" instead of 50% as proposed by the Commission).
- Re-inclusion of food from cloned animals and their descendants into the proposal, until they have specific legislation.
- **Simplification of the authorization procedures** with clearly stated or reduced deadlines for the different stages of the procedure.

▪ **Data protection:** extended from 5 to 7 years.

This ENVI report will serve as a **basis for the Parliament's first reading position** to be voted on by the plenary session expected in April 2015. Following the Parliament's vote, the proposal will be formally transferred to the Council. Then, both institutions will have to agree on the proposed text and appropriate amendments in order to adopt the text in first reading.

## Definition of engineered nanomaterials

According to Regulation (EU) N° 1169/2011 on information to consumers, all food ingredients present in the form of engineered nanomaterials shall be clearly indicated in the list of ingredients with [nano].

A delegated act to update the definition of engineered nanomaterial is currently under discussion at European level. In 2013, the European Parliament has vetoed a first Commission proposal because Parliament was opposed to the exemption of food additives. The current draft delegated act proposed by Commission includes food additives but keeps the principle

of 50% of nano-particles threshold to qualify a food ingredient as "nano", because currently it is the technically detectable level. It is not clear if this draft will be accepted by the Parliament in the coming months, but the amendment replacing the 50% threshold by 10% that has been adopted by ENVI Committee under the novel foods revision is not a positive sign. Legally two different definitions could exist depending on the purpose (labelling or novel food) but it is not wished by the European Commission and not practical for food business operators.

## Activities on botanicals in Europe

European Member States can continue working on the specificities of botanicals used in food and food supplements, even if all the generic health claims referring to botanicals ("Claims on botanical substances for which the finalization is pending") remain on hold and may continue to be used. Indeed, as long as they are not regulated by Commission, proving they comply with the claims Regulation and existing national provisions applicable to them and the conditions for use under assessment are fulfilled.

**France**

A list of 540 authorized botanicals in food supplements has been published in the French Law which is enforced since the 1<sup>st</sup> January 2015. This legislation requires the establishment of specific quality dossier concerning characterization of botanical preparations.

**Italy**

The BELFRIT list, which contains more than 1000 plants is legally binding in Italy as a list of authorized plants in food supplements since March 2014.

**Germany**

The German list of plants and plant parts has been updated in September 2014. This list is not legally binding but has been created to facilitate the classification and assessment of botanical substances regarding their use as food or food ingredient and to serve as a reference guide for authorities and food distributors.

## Nutraveris ACHIEVEMENTS

EU Authorization of new forms of minerals.

Health Claim applications under review and successful outcome for article 13.5.

Training of different big players in the industry on the EU Food Supplements regulation, Sports Foods and strategic solutions.

Novel food Substantial equivalence and Extension of use. Notification with success in several European Member States.

Preparation of several Appendixes 2 (Quality) and 3 (Safety) meeting the new French law requirements on botanicals.



# Nutraveris

## Online

★ NEW ★  
VERSION

Food Supplements  
Sport Foods  
Dietetic Foods  
Fortified Foods  
Ingredients  
Plants

### The European reference database to develop innovative and compliant health products

Over 2100 ingredients classified  
in 132 health applications:

-  Legislative status in 28 EU Member States
-  Approved EFSA health claims, with conditions of use
-  Scientific studies: EFFICACY and SAFETY

For more information please contact us:  
+33 (0)2 96 76 54 87  
[contact@nutraveris.com](mailto:contact@nutraveris.com) - [www.nutraveris.com](http://www.nutraveris.com)



book your free VIP  
regulatory session during  
the trade shows



## Events

Meet our experts during our international events  
[contact@nutraveris.com](mailto:contact@nutraveris.com)

**USA**  
▪ Las Vegas - Supply Side West  
Booth 3548

**United Kingdom**  
▪ London - Natural & Organic Products Europe  
▪ Birmingham - Nutraformulate

**France**  
▪ Paris - Natexpo  
▪ Paris - Pharmagora  
▪ Dijon - Vitagora  
▪ Lille - NutrEvent

**Spain**  
▪ Madrid - CPHI Worldwide

**Italy**  
▪ Bologna - Nuce

**Switzerland**  
▪ Geneva - Vitafoods Europe  
Booth L94

**Germany**  
▪ Cologne - FIBO

**Russia**  
▪ Moscow - Ingredients