

EU DIRECTIVE – 13 July 2005

European food supplements directive & the European Court of Justice

The European food supplements directive has been upheld by the three judges of the European Court of Justice. It had been thought that an attempt to declare it unlawful, following such a ruling by the EU advocate general, would mean an end to the legislation which might severely restrict the availability of supplements.

This EU directive has frequently been confused with the Codex Guidelines, but for some Europeans has been seen as far more concerning, particularly in the UK and the Netherlands.

The directive has established a “positive list” of supplements, requiring high levels of evidence to support a substance’s listing (not unlike Australia). **The Commission has also said it will develop maximum permitted levels for vitamins and minerals in 2006 with a view to adopting these as part of the directive by 2007.**

British supplements associations, including the **UK’s Health Food Manufacturers Association (HFMA) and the National Association of Health Food Stores (NAHS) which oppose the directive**, argue that it will be prohibitively expensive to have a product listed and that at this stage several natural or organic substances have been excluded.

Some other European countries have welcomed the directive because they see it as a safeguard against supplements being regulated as medicines.

The EU directive is due to come into force on August 1st 2005.