

**European Union Comments for the
CODEX COMMITTEE ON NUTRITION AND FOODS FOR
SPECIAL DIETARY USES**

Germany, 5 -9 December 2016

AGENDA ITEM 6

Proposed Draft Definition for Biofortification

(CX/NFSDU 16/38/7)

*Mixed competence
European Union vote*

The European Union and its Member States (EUMS) would like to express their gratitude to the Republic of Zimbabwe and the Republic of South Africa for their work as Chairs of the electronic working group and would like to express their appreciation for the possibility to comment on the proposed Draft Definition for Biofortification and on the proposed criteria to be covered by the definition, as presented in CX/NFSDU 16/38/7, Appendix I and II.

The EUMS would like to make the following comments on the recommendations proposed by the co-Chairs:

Scope and purpose of the definition for ‘biofortification’

The EUMS would like to question the exact scope of the definition for ‘biofortification’ as proposed by the co-Chairs. The EUMS consider that the scope and purpose of defining this term and how it will be used needs to be further discussed. The EUMS believe that in the absence of a clear scope and in particular which methods of production are considered to be included in the scope, the most appropriate term cannot be determined for the definition.

In addition, in the absence of a clear scope there is a risk of misuse of the term resulting in the consumer being misled as to the benefit of the food and the production method used. The EUMS consider that various production methods (criterion 1: “*all potential types of food production processes*”) would fall within the proposed definition i.e. ‘*the process by which the nutrient content of food produce and products is increasing by a measurable amount in a readily absorbable form, through an intervention in the source organism for an intended purpose*’ (for example, genetic engineering techniques). However, the EUMS consider that some food production processes would not fall under the definition as they do not intervene in the source organism (for example, UV-treated milk). In this context the EUMS would appreciate a discussion to clarify exactly which production methods are considered to be included.

Moreover, the EUMS consider that the purposes for the addition of nutrients to food are clearly stated in the Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987). Furthermore the EUMS consider that a food that has been ‘biofortified’, may use nutrition claims as defined by the Codex Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997) if the conditions laid down are met; for example, a ‘nutrient comparative claim’ or a ‘nutrient content claim’ may be used for such foods.

The EUMS consider that it is important to ensure that by defining 'biofortification', the eventual use of the definition would not lead to consumers being misled as to the method of production, the nutrient level of the food and the benefit that may be obtained from consuming such a food as opposed to a food that has been fortified by traditional means (as defined in the Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987)). It is therefore important to clarify what is the distinction between "biofortification" and conventional addition of nutrients to foods.

The co-Chairs recommend *“that the CCNFSDU and CCFL consider a discussion on the labelling of biofortified foods once a definition for Biofortification has been adopted”*. The EUMS would like to raise their concerns regarding the potential use of a definition for 'biofortification' for labelling purposes in the light of the above explanations. At this point, as the scope of the term 'biofortification' has not been clearly defined and the term has not been agreed yet, the EUMS cannot provide any specific comments on the criteria to be included in the definition, the proposed draft definition, and on where and how such a definition would be placed and used.

The EUMS also note that the FAO has developed a background paper on “Biofortification: A Food Based Approach for Improving Micronutrient Intake” as part of a broader portfolio of food-based approaches to prevent micronutrient deficiencies. The paper aims to inform policy makers on the “biofortification” process, outlining development and implementation issues and providing considerations to inform further discussions on the topic. Its publication is expected by the end of this year and this Committee should take it into consideration in its deliberations before advancing a draft proposal for a definition for “biofortification” in the step procedure.

Use of the term ‘biofortification’

The EUMS consider that development of a definition for the term 'biofortification' at Codex level would be problematic in the EU, in that the term 'bio' in a number of EU languages is associated with organic food by consumers. Furthermore, EU legislation on organic production lays down that the use of the terms 'bio' and 'eco' are regarded as referring to the organic production method when they are used in the labelling, advertising material or commercial documents of a food product, independently of the language used, and can only be used for organically produced foods. Legislation on organic farming plays an important role in the EU's agricultural policy framework and aims to ensure consumer confidence in products that are labelled as organic, in addition to providing conditions under which the sector can progress in line with production and market developments.

According to the comments received from Codex members, *“the term ‘biofortification’ has been used in the past twenty years in various languages, and is widely known and used throughout the world.”* The EUMS do not share this view as the term 'biofortification' is not used in the EU. The EUMS would therefore appreciate precise information on the basis for this statement.