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NPN comment on TRIS notification 2021/680/F

NPN, the Dutch trade association for the food supplement industry, registered in the EU Transparency Register with ID-nr 586324816339-48**,** would like to take the opportunity to comment on the draft Order notified by France.

**Concern**

The proposed Order lists cholecalciferol, which is the essential form of Vitamin D, in Table A of Annex I as a substance with verified and presumed endocrine disrupting properties. This Order triggers the obligation to provide information to consumers on finished products with vitamin D about endocrine disrupting properties. For products placed on the market as food, including food supplements, this warning statement is not consistent with European food legislation and the supplementation policy of the Dutch Health Council. It can keep consumers from supplementation with vitamin D and therefore can have detrimental consequences for consumer health.

**Request**

We ask the European Commission to request France to exclude from the scope of this law products placed on the market as food, including food supplements.

**Vitamin D dosages in food**

Vitamin D3, cholecalciferol, has an endocrine activity as a prohormone, which is a desired, normal and beneficial effect of this vitamin used in food supplements. Products with dosages vitamin D below the safety level of 100 µg/day set by EFSA are safe and do not disrupt human endocrinology. This upper safe level of vitamin D is 225 times lower than the dosage cholecalciferol with the effect of a rodenticide, which is identified as hormone disruptor. The presumed warning statement for cholecalciferol is therefore not of relevance for vitamin D intake via food or food supplements.

**Consumer health**

If the warning statement on hormone disruption is obligatory for food and food supplements it could prevent consumers from using food and food supplements with vitamin D, which can be detrimental for consumers health. NPN fears a French rule could spark a European wide discussion.

Due to a large prevalence of vitamin D shortage in the Dutch population, vitamin D supplementation can contribute to consumer health and supplementation is recommended by the Dutch Health Council e.g. for young children, pregnant woman, elderly and people with a colored skin. In this respect it should be stressed that unlike in other European member states, in the Netherlands vitamin D is administered to young children by means of food supplements, and not medicines. A warning statement about hormone disruption would be very delicate for this group.

**Safeguard free movement of goods**

Rules and warning statements for food supplements have been largely harmonized in the European union by e.g. regulation 2002/46, directive 1925/2006 and directive 1924/2006.

NPN trust the European Commission to safeguard the principles laid down in the TFEU relating to the free movement of goods and ECJ case law when evaluating this French notification.