

## Comments notification TRIS 2024/0289/BE

(End of standstill: 02/09/2024)

<https://technical-regulation-information-system.ec.europa.eu/en/notification/25931>

On behalf of the Synpa, the French specialty food ingredients association, which represents the interests of producers of specialty food ingredients, and in particular of nutrients used by the food supplements producers, we would like to express comments on the draft order notified by the Belgium authorities regarding the placing on market of food supplements.

The definitions of “food supplements” and “foodstuffs” are not in compliance with the current regulations, respectively Directive 2002/46/EC and Regulation (EC) n°178/2002.

Therefore, the draft of the notified Royal Decree by Belgium authorities should not be adopted without taken account the current EU definitions of “food supplement” and “foodstuff”.

- **Definition of “food supplement”**

**Directive 2002/46/EC on the approximation of the laws of the Members States relating to food supplements** (<https://eur-lex.europa.eu/eli/dir/2002/46/2024-07-17>)

Article 2: Definitions of “food supplements”:

*“food supplements means foodstuffs the purpose of which is to supplement the normal diet and which are concentrated sources of nutrients or other substances with a nutritional or physiological effect, alone or in combination, marketed in dose form, namely forms such as capsules, pastilles, tablets, pills and other similar forms, sachets of powder, ampoules of liquids, drop dispensing bottles, and other similar forms of liquids and powders designed to be taken in measured small unit quantities.”*

**Notification TRIS 2024/0289/BE – draft arrêté royal – article 2.**

*“food supplements: foodstuffs whose purpose is to supplement the normal diet and which consist of one or more nutrients, plants, plant preparations or other substances with a nutritional or physiological effect, alone or in combination, marketed in measured doses, namely in forms of presentation such as capsules, lozenges, tablets, pills and other similar forms, as well as sachets of powder, ampoules of liquids, drop bottles and other similar forms of liquid or powder preparations intended to be taken in small measured units.”*

**Comment:**

The definition of food supplements has withdrawn the point on “concentrated sources of nutrients”.

➔ The draft order is in not on line with the current EU definition of “food supplements”.

➔ Current EU definition of food supplement should be taken in account in the Belgium draft order.

- **Definition of “foodstuff”**

**Regulation (EC) n°178/2002 laying down the general principles and requirements of food law, establishing the European Safety Authority and laying down procedures in matters of food safety**

<http://data.europa.eu/eli/reg/2002/178/2024-07-01>

Article 2: Definition of food

*“For the purposes of this Regulation, ‘food’ (or ‘foodstuff’) means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.”*

*“Food” includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC and without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC.*

*“Food” shall not include:*

*(a) feed;*

*(b) live animals unless they are prepared for placing on the market for human consumption;*

*(c) plants prior to harvesting;*

*(d) medicinal products within the meaning of Council Directives 65/65/EEC and 92/73/EEC; (e) cosmetics within the meaning of Council Directive 76/768/EEC;*

*(f) tobacco and tobacco products within the meaning of Council Directive 89/622/EEC;*

*(g) narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971;*

*(h) residues and contaminants;*

*(i) medical devices within the meaning of Regulation (EU) 2017/745 of the European Parliament and of the Council.”*

**Notification TRIS 2024/0289/BE: projet d’arrêté royal – article 3**

*“Foodstuff: Any substance or product that is processed, partially processed or unprocessed, intended to be or reasonably expected to be ingested by humans, other than:*

*1° animal feed;*

*2° live animals unless they are prepared for human consumption;*

*3° plants before harvesting;*

*4° medicinal products;*

*5° cosmetics;*

*6° tobacco and tobacco products;*

*7° narcotic drugs and psychotropic substances;*

*8° residues and contaminants.”*

**Comment:** Foodstuff definition misses “medical devices” in its exclusions and doesn’t refer to the regulatory sources.

➔ **The draft order is in not on line with the current EU definition of “foodstuffs.**

➔ **The current EU definition of foodstuff should be taken in account in the draft order.**

Formed in 1968, the Synpa is the united voice in France of companies producing or distributing specialty food ingredients. It gathers 28 companies members. It promotes their interests taking into account societal expectations in terms of safety and information. Find out more: <https://www.synpa.org/the-synpa.php>