

# ASSOCIATION EUROPEENNE POUR LE DROIT DE L'ALIMENTATION

## EUROPEAN FOOD LAW ASSOCIATION

Brussels, 30 January 2007

Dear Mr Commissioner :

At the beginning of this New Year, the European Food Law Association wishes to send you and all officers working in DG SANCO, specifically in the Food Sector, our best wishes for a Successful Year 2007.

The European Food Law Association (EFLA : <http://www.efla-aeda.org/home.html>), based in Brussels and founded in 1973, enrolls professionals working in all branches of the food sector, including enforcement officials in national administrations, academics, consultants, lawyers and executives from industry and trade. EFLA does not represent any particular economic interest and does not therefore lobby, but thanks to its diverse membership, is in a position to actively contribute to dialogue and discussions regarding the main problems arising in the Food Law Sector.

We attach our January 2007 Newsletter to the present letter, with a summary of our activities during the year 2006. As you may remember, we were happy to welcome DG SANCO officials to several of our workshops in Brussels, as well as to our Congress which took place in Vienna in September, and their participation was each time very much appreciated.

EFLA would like to share with you and your services our view that the new important regulations, regarding health claims and fortified products, contribute successfully to the continuous building of the Single Market. At the same time they ensure protection of the consumer in an enlarged European Union. We also hope that the remaining challenges, regarding the actual implementation of those regulations, will be tackled successfully. More generally, we look forward to the continuing development of effective food law in Europe and in the rest of the world.

EFLA welcomes the progress that has been made in these directions and is confident that more progress will be made in 2007. However, we would like to take this opportunity to bring to your attention again a problem which has been discussed on many occasions, but never solved. We refer to the question of the borderline between foodstuffs and medicinal products. The definition of food, which was introduced by Regulation 178/2002, did not resolve this issue. It will remain a problem as long as the European Court of Justice accepts that there can be different interpretations of the definition of medicinal products among the Member States, creating situations where a product can be a food in one member State and a medicinal product in another. Obviously, this situation is a severe obstacle to the achievement of the Single Market, particularly at a time when harmonisation of "health" foods is promoted through regulations on food supplements, fortified products and nutrition and health claims.

**Secretary General** : Nicole COUTRELIS

c/o COUTRELIS & ASSOCIES – 235, rue de la Loi – 1040 Brussels – Belgium

Tel. : +32.2.230.48.45 – Fax : +32.2.230.82.06

e-mail : [efla\\_aeda@hotmail.com](mailto:efla_aeda@hotmail.com)

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So, let us hope that 2007 will bring some progress in this difficult matter. EFLA and its members will be happy to contribute to any work which you may wish to initiate on this topic, without defending any specific interest, but searching for clarity, legal certainty and coherence, for the common benefit of regulators, control bodies, industry and consumers.

We are at your disposal, should you wish any further information regarding EFLA, its membership and its activities, and in the meantime, we remain,

Yours Very Truly,

D. GORNY

President of EFLA