

27 March 2007, Dorking, United Kingdom

ANH responds to EFSA accusation of legal threat over EU food supplement applications

The Alliance for Natural Health (ANH) filed nine applications to Annex I of the EU Food Supplements Directive and a further six to Annex II in late February and early March 2007. The primary subjects of the applications were natural vitamins and minerals which were omitted from the Directive's Annexes ('positive list'). On 16 March, the ANH informed the European Commission that it had filed the applications and would scrutinise its and the European Food Safety Authority's (EFSA) procedures with regard to their evaluation. This scrutiny, ANH indicated, would be in accordance with the process made clear by the European Court of Justice (ECJ), in its ruling on the ANH's case in July 2005.

Although the EFSA made no comment to the media on 16 March, it responded on 23 March with statements quoted by Nutraingredients.com Europe. Spokesperson for the EFSA, Dr Carola Sondermann, told Nutraingredients.com: *"We are surprised that ANH even tries to threaten the European Commission and EFSA with taking them to court if a negative opinion will be issued by EFSA."*

Responding to the EFSA statement, Dr Robert Verkerk, executive and scientific director of the ANH, said:

"We have in no way threatened either the European Commission or the EFSA. We have merely made clear that we are following the process set out by the ECJ in relation to its 2005 ruling on our case, which, I quote, says 'If the procedure results in a refusal, the refusal must be open to challenge before the courts.'

"Given the ECJ ruling, we would in fact be neglecting the interests of our supporters if we were not to reserve the right to challenge any negative decisions by the EFSA if we believed such decisions were unjustified.

"If the ANH's role as a watchdog on these matters ends up helping to create a more workable, timely, transparent, proportionate and scientifically credible procedure for applications to the positive list of this Directive, then that will be a big step forward for natural health. This will greatly benefit the tens of thousands of Europeans who use natural forms of vitamins and minerals and who would not expect to see unwarranted restrictions on their use."

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For the public record, ANH Legal Director, Robert Collins, made the following statement in relation to the EFSA's comments:

“With regard to the article in Nutraingredients.com on 23 March, the response from the EFSA spokesperson is unwarranted. The ANH has consulted at each stage of the procedure both with the Food Standards Agency in the UK and the relevant European institutions.

Clearly if there is a refusal to accept a particular nutrient for inclusion onto the positive list that we believe is not warranted, then the ANH will not hesitate to exhaust all means at its disposal to challenge the decision. Ultimately this might require our pursuing the matter in the courts, a right clarified by the European Court in its judgment on our case. However we have endeavoured and will continue to endeavour to work cooperatively with the FSA, the EFSA and the European Commission.

We are slightly taken aback that the EFSA's only response to our communications on the subject of adding nutrients to the Annexes of the Food Supplements Directive has been through the medium of a spokesperson making a comment upon a very small part of the proposals that we have put to them.

We have as yet received no constructive response from the EFSA, the FSA or the European Commission over any of the genuine concerns we have raised in relation to the transparency, proportionality or legal and scientific credence of the application process for vitamins and minerals to the Annexes of the Directive.”

Ends.

EDITOR'S NOTES:

Nutraingredients.com articles

1. ANH pledges scrutiny and pressure over EC positive list, 19 March 2007
<http://www.nutraingredients.com/news/ng.asp?id=75066>
2. EFSA surprised at legal threat over dossier assessment, 23 March 2007
<http://www.nutraingredients.com/news/ng.asp?id=75209>

About the Alliance for Natural Health (ANH) - www.anhcampaign.org

The ANH is a UK-based, EU-focused, international, legal-scientific, non-governmental organisation that is working on behalf of consumers, medical doctors, complementary health practitioners and food manufacturers and distributors, to protect and promote natural healthcare, using the principles of good science and good law.

The ANH's principal objective is to help develop an appropriate legal-scientific framework and environment for the development of sustainable approaches to healthcare. Within this setting, consumers and health professionals should be able to make informed choices about a wide range of health options, and in particular those that relate to diet, lifestyle and non-drug-based or natural therapies, so that they may experience their benefits to the full while not exposing themselves to unnecessary risks.