



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Deputy Director General

SANCO

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To whom it may concern

Subject: Analysis of the impact of the policy options for the revision of Council Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses into a new Regulation.

Directive 89/398/EEC was adopted in 1989 and a number of its provisions would need to be reviewed taking also into account the evolution of the EU food legislation over the last 17 years. In particular following the adoption of Directive 2002/46/EC on food supplements and, more recently, the adoption of Regulation 1925/2006 on the addition of vitamins and minerals of certain substances to foods (fortified foods) and Regulation 1924/2006 on nutrition and health claims made on food.

The need to consider revision of Directive 89/398/EEC has been concretely identified in two recent draft reports which have been prepared by the Commission Services and send to the Council and the European Parliament. The first covers the "notification procedure", that requires the manufacturer or the importer of certain dietetic foods to notify the competent authority where the product is being marketed. The second considers the desirability of special provisions for foods for persons suffering from carbohydrate-metabolism disorders (diabetes). The reports take into account the views of Member States and other stakeholders and point to the need for a global revision of the framework Directive to achieve "strategic goals" such as to assure a better and simplified legal framework and to facilitate innovation.

The Commission considers it important to carry out an analysis of the economic, social and environmental impact of the policy options for the revision of that Directive into a new Regulation.

The aim of the analysis is to examine to what extent the different options will contribute to reaching the Commission objectives of ensuring the same high level of consumer protection in all EU countries and of securing the functioning of the internal market for these products.

The impact analysis, awarded through a call for tender to the Food Chain Evaluation Consortium (FCEC) starts in December 2008 and is expected to be finalised by April 2009. The research will be led by Agra CEAS Consulting.

I trust I can count on your cooperation and contribution to this analysis.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paola Testori Coggi'.

Paola Testori Coggi