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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: AOB item for the meeting of the "Agriculture and Fisheries" Council of 11 and 12 December 2025:
Maximum levels for vitamins and minerals in food supplements and fortified foods are indispensable
- Information from Germany, supported by Austria, Belgium, Estonia, Finland, France, Hungary, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden

Germany, supported by AT, BE, EE, FI, FR, HU, LV, LT, LU, MT, PL, PT, SK, SI, ES and SE asks the European Commission to set maximum levels for vitamins and minerals in food supplements and fortified foods and to report on its efforts and the further schedule for corresponding maximum level provisions.

Many consumers in the European Union decide to supplement their diets with food supplements containing vitamins and minerals. Directive 2002/46/EC on the approximation of the laws of the Member States relating to food supplements envisages that the Commission should set maximum levels for vitamins and minerals in food supplements per daily portion of consumption as recommended by the manufacturer. For foodstuffs other than food supplements, Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods enables the Commission to also set maximum levels for vitamins and minerals for fortified foods so that the normal use of these products is safe for consumers. However, no such maximum levels have thus far been set.

The setting of maximum levels for vitamins and minerals in food supplements and fortified foods continues to be an urgent necessity, primarily for reasons of preventive consumer health protection, as excessive intakes of vitamins and minerals may have adverse effects on the health of consumers.

In this context, we are convinced that EU-wide maximum levels will contribute to ensuring fair conditions of competition for food supplements and fortified foods in the internal market, improving legal certainty in the assessment of these products and thus leading to more efficient official controls. In many Member States, existing national maximum level provisions or recommendations could be lifted, contributing to the reduction of bureaucracy.

The debate on the urgency of setting maximum levels for vitamins and minerals in food supplements and fortified foods has been going on for many years. The Commission already recognised in 2020 that harmonised maximum levels for vitamins and minerals in food supplements and fortified foods would address the concerns expressed by Member States and stakeholders regarding potential barriers to trade and adequate consumer protection¹. Accordingly, preparatory work for setting corresponding maximum levels has been conducted in the past years. The work of the European Food Safety Authority (EFSA) on tolerable upper intake levels for minerals and vitamins, the discussions in the task force established by the Commission and in the working group on food supplements and fortified foods provide a very good basis for setting maximum levels. Despite this, no maximum levels have been set to date and consultations with food business operators and other stakeholders are also still pending.

We are convinced that maximum levels for vitamins and minerals would significantly strengthen the consumer's trust in the safety of food supplements and fortified foods while ensuring legal certainty and a level playing field for the relevant stakeholders. Germany, supported by AT, BE, EE, FI, FR, HU, LV, LT, LU, MT, PL, PT, SK, SI, ES and SE, therefore calls on the Commission to complete the outstanding work as soon as possible with high priority and good staffing in order to be able to set maximum levels for vitamins and minerals in food supplements and fortified foods in 2026 and to present a report on the current state of implementation in the near future.

¹ Response from the European Commission (Ref. Ares(2020)4105870 - 04/08/2020) regarding a common position of Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden on maximum levels for vitamins and minerals in food supplements and fortified foods