



Hamburg, 10th June, 2025

THIE Position Paper on the European Commission Proposal for Setting Maximum Permitted Levels (MPLs) of Vitamins and Minerals in Fortified Foods

THIE strongly recommends the following:

- **Initiation of an immediate wide-ranging stakeholder dialogue:** The Commission to engage with THIE and other relevant actors before finalising any proposal.
- **Revision of the scientific model:** MPLs must be based on realistic/feasible intake scenarios and scientifically justified allocation of nutrient sources.
- **Flexible MPL calculation specific for Food and Drink:** A dual approach (e.g., per 100 kcal or per portion/100 ml) to be considered for low-energy products.
- **Full impact assessment:** A comprehensive evaluation of the scientific, legal, and economic consequences must be carried out.



Executive Summary

Tea & Herbal Infusions Europe (THIE) welcomes the European Commission's initiative to establish harmonised Maximum Permitted Levels (MPLs) for vitamins and minerals in fortified foods and food supplements. However, the current proposal, as outlined in the Commission's latest Working Document, is not appropriate for low-energy food categories, such as tea, herbal and fruit infusions. In its current form, it would significantly impact consumer choice and contradict efforts to address nutrient deficiencies through diverse, accessible and healthier formats.

The methodology proposed by the Commission:

- Is based on unrealistic intake scenarios and lacks meaningful evidence;
- Misapplies EFSA's Upper Levels (ULs) concept out of context across all low-energy food categories, when they are all equal;
- Disregards differences in energy content and product types;
- Restricts meaningful fortification of low-calorie beverages;
- Has been developed without sufficient stakeholder consultation.

The application of MPLs on a per-100 kcal basis disadvantages tea, herbal and fruit infusions and similar low-energy products, and contradicts broader EU public health objectives promoting low-calorie and functional foods and beverages. It is THIE's strong recommendation that a hydration specific aspect is added to the current approach that would allow the distribution of MPLs on a per-100 ml basis in addition to the calorific-model proposed.

THIE urges the Commission to reconsider the proposed model, and engage constructively with a representative range of stakeholders within the Food & Drink Industry and THIE, to develop a proportionate and evidence-based approach.

Background

Since 2021, the European Commission has been developing a model to harmonise MPLs for vitamins and minerals in fortified foods and supplements. A Working Document was circulated in early 2025, reflecting internal discussions among Member States. However, this model was prepared without engaging relevant stakeholders such as THIE and other industry representatives.

THIE supports science-based harmonisation aligned with EU food law. However, the Commission's current proposal raises several questions on the scientific validity of the model, many of which have also been highlighted in position papers from other associations, such as Food Drink Europe (FDE) and the European Coffee Federation (ECF).

Scientific Evaluation of the Proposed MPL Methodology

THIE supports the arguments of the Joint Position of the Association of the European Self-Care Industry (AESGP), European Federation of Associations of Health Product Manufacturers (EHPM), Food Supplements Europe and FoodDrinkEurope (FDE) attached.



The methodology, technical and scientific aspects outlined in the Joint Position are equally valid for the Tea, Herbal and Fruit Infusion sector.

We would like to underline the following sector specific aspects of the Commission's current proposal:

- **Arbitrary Allocation between Food and Supplements:** The residual amount (UL minus baseline intake) is split 50:50 between fortified foods and supplements, without scientific justification or reference to consumption data.
- **Disregard for Targeted Nutrition:** The proposed model overlooks the possibility of products being tailored to specific population groups, such as pregnant women or athletes, and applies blanket restrictions.
- **Per-100 kcal Basis:** The chosen basis for MPLs severely restricts fortification of low-energy beverages such as tea, herbal fruit infusions, which is inconsistent with public health goals aiming to reduce energy intake and fight obesity. Hydration as a healthy part of the diet is not even considered in this approach, despite playing an important role in the daily diet.
- **No Harmonised Interpretation:** It is also worth noting that in addition to the above, there is no harmonised interpretation amongst Member States on the classification of products as fortified food or food supplement.

Specific Impact on Tea, Herbal and Fruit Infusions

Tea, herbal and fruit infusions are naturally low in energy and contain negligible calories. As such, the application of MPLs based on per-100 kcal makes it technically impossible to fortify these products with relevant amounts of vitamins and minerals.

Tea, herbal and fruit infusions have an important role in maintaining healthy lifestyle and are widely consumed across all demographics in the EU. Fortified tea or fortified herbal and fruit infusions contribute to:

- Improving micronutrient intake, especially in vulnerable groups;
- Offering functional benefits such as immune support or hydration;
- Providing a health-conscious, low-calorie alternative to fortified sugary beverages.
- Bioactive substances – beneficial role that they play in the diet reflected in MD that include reference to both in National dietary guidelines.

A strict per-100 kcal model would effectively prohibit the fortification of tea or herbal and fruit infusions, significantly impacting consumer choice (e.g. fortification for people with diabetes type 1 and type 2). It would also contradict efforts to address nutrient deficiencies through diverse and accessible food formats. THIE strongly recommends adding a hydration specific aspect to the current approach that would allow a distribution of MPLs on a per-100ml basis in addition to the caloric-model proposed so far.



Legal and Economic Implications

The current proposal lacks detail on impact assessment, suggesting that sufficient data has not been gathered to support its model. In addition, as previously mentioned, it has been developed without meaningful stakeholder consultation and therefore potentially poses significant risks to:

- Innovation and product development in the health and wellness sector;
- Market viability of fortified tea, herbal and fruit infusions and similar functional beverages;
- SMEs and other businesses reliant on differentiated, value-added products.

The current approach could lead to the delisting of existing products, disruption of supply chains, and loss of competitiveness for EU businesses in global markets.

Conclusion

Tea, herbal and fruit infusions are safe, health-supporting beverages consumed daily by millions of EU citizens. They offer a unique and healthy vehicle for vitamin and mineral fortification within the context of a healthy diet.

The proposed MPL model, if implemented as currently drafted, would exclude tea, herbal and fruit infusions from meaningful fortification, contrary to public health objectives and innovation goals. THIE therefore calls on the European Commission to revise its approach, to ensure that safety is upheld without compromising product diversity, consumer choice, or economic viability.

In line with the Joint Position of the AESGP, EHPM, Food Supplements Europe and FDE, **Tea & Herbal Infusions Europe (THIE)** is eager to contribute constructively to this important discussion and to support the development of a well-balanced and science-based regulatory framework.

Attachment: Joint Position of the AESGP, EHPM, Food Supplements Europe and FDE