

**Case study: Brief**

# IMPLEMENTING AND ENFORCING TRANS FAT (TFA) ELIMINATION POLICY IN THE EUROPEAN UNION

**TYPE OF POLICY:** 2% iTFA limit**DATE PASSED:** April 2019**IN EFFECT:** April 2021**TOTAL COVERAGE:** 447 million people**ENFORCEMENT APPROACH:** State-level monitoring and enforcement following EU control framework; Harmonized laboratory methodology across states**LIVES SAVED PER YEAR:** ~40,941<sup>1</sup>

## Context and background

In April 2019, the European Commission (EC) adopted a limit on industrial trans fat (iTFA) of 2 grams iTFA per 100 grams of fat in all foods intended for the final consumer and for supply to retail. The EC had determined that an iTFA limit was a more appropriate choice than a PHO ban in terms of public health impact, consumer protection, compatibility with the internal market, and cost. The iTFA limit was binding across the European Union (EU) on adoption. Products exceeding the iTFA limit were permitted to remain on the market until the regulation took effect on April 1, 2021. Assuming a shelf life of six months to a year for products high in iTFA, iTFA should have been eliminated from European supermarkets as of April 2022.

## Implementation

EU countries are responsible for implementing the iTFA limit. A two-year transition period was established based on the findings of an impact assessment, which included extensive information-gathering and stakeholder questionnaires. Fats and oils suppliers already had technical solutions and were able to offer support to small and medium-sized businesses, which needed time to work through technical challenges and reformulation. Bigger manufacturers with technical know-how also committed to support smaller businesses through the compliance process; no technical assistance was required from the EC.

## Key takeaways

- TFA elimination policies adopted in one country or region can benefit people in neighboring countries as well as trading partners.
- For multi-national policies, a consistent, or “harmonized” laboratory methodology for determining iTFA content should be used across all implementing countries.
- An impact assessment can help determine an appropriate transition period for implementation and identify potential implementation and enforcement issues early on.

## Enforcement

Member state authorities are responsible for implementation and enforcement at the national level, including sanctions for non-compliant entities, and are expected to ensure their future compliance. Member states must:

- Be equipped with an ISO 17025-accredited laboratory
- Follow the harmonized laboratory methodology developed by the JRC
- Follow EU framework on sanitary and phytosanitary requirements
- Establish multi-annual national control plans
- Submit annual reports on official controls conducted to the EC

<sup>1</sup> Wang, Q., Afshin, A., Yakoob, M. Y., Singh, G. M., Rehm, C. D., Khatibzadeh, S., ... & Mozaffarian, D. (2016). Impact of nonoptimal intakes of saturated, polyunsaturated, and trans fat on global burdens of coronary heart disease. *Journal of the American Heart Association*, 5(1), e002891



Controls are also conducted at the EU-level to verify that the responsible authorities in member states are fulfilling their implementation and enforcement duties; they also audit compliance with EU food standards in non-EU countries exporting to the EU. If problems are identified, audit reports may make recommendations for corrective measures. Follow-ups may be administrative or include further on-the-spot audits. Legal action, restrictions, or even bans may be issued for serious non-compliance.

## Outcomes

Health impacts of the iTFA limit will be monitored by regular reviews in the “State of Health in the EU,” with ongoing monitoring at country level to be handled by national authorities.

Within two years of implementation, iTFA intake in the EU is projected to decrease to 0.009% of energy intake, with associated cost savings from a lower disease burden of between €51 billion and €304 billion over an 85-year period.

## Harmonized laboratory approach

The EU’s Joint Research Center (JRC) was involved from the start of the policy process; after studying existing methodologies in various EU countries, the JRC developed a standardized laboratory methodology to test TFA levels in food, ensuring that products are assessed for compliance in the same way throughout the region. Technical staff from control authorities in all EU countries were invited to a meeting to finalize the proposed methodology. As the EU gains more experience with TFA testing, the protocol may be refined. JRC also has a unit that deals with methodological issues of enforcement, and coordinates and maintains a network with member state control authorities to discuss food-related topics. If issues arise, a working group of member states can be convened to discuss solutions.

## Why eliminate trans fat?

- ✓ Industrially produced *trans*-fatty acids (iTFA) man-made compounds still used in some countries as a substitute for butter or lard in fried food, deep-fried food, baked goods and spreads estimated to cause 500,000 deaths per year.<sup>2</sup>
- ✓ iTFA can be eliminated and replaced with healthier alternatives, and many governments have already successfully protected their people.
- ✓ Countries that do not ban iTFA are at risk of having products containing iTFA dumped on their market.
- ✓ Since all people in all countries must be protected from the risks of iTFA consumption, the World Health Organization has called for the global elimination of iTFA with the REPLACE initiative.



**Read the full report:** [Implementing and Enforcing Trans Fat Elimination Policies](#), with case studies including Thailand, Chile, Singapore, Denmark, Saudi Arabia and the European Union

<sup>2</sup> Wang, Q., Afshin, A., Yakoob, M. Y., Singh, G. M., Rehm, C. D., Khatibzadeh, S., ... & Mozaffarian, D. (2016). Impact of nonoptimal intakes of saturated, polyunsaturated, and trans fat on global burdens of coronary heart disease. *Journal of the American Heart Association*, 5(1), e002891.