

STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
SECTION ON GENERAL FOOD LAW
Summary Record of Meeting of 25 June 2007

Chairman: Mr Basil Mathioudakis (except points 1 and 7)

1. Consultation paper on the feasibility and advisability of establishing fees for the European Food Safety Authority (Chairman Mr Robert Vanhoorde)

The purpose of the meeting was to continue the discussion on the consultation paper on the advisability and feasibility of establishing fees for EFSA. Seven Member States had submitted written comments during the public consultation open from November 2006 to mid-February 2007.

Most Member States pointed out that they were not in principle opposed to a fee-system, but expressed concerns on its feasibility. Their main concerns were to safeguard EFSA's independence, the difficulties of identifying beneficiaries, and the creation of an additional administrative and financial burden for SMEs. They also stressed that it would be unfair to establish fees for all applicants.

Member States recognised the complexity and the need for further reflection. Some of them suggested an impact assessment that would allow identification of additional costs and administrative burdens for enterprises.

It was concluded that the outcome of this discussion will feed into the reflection on the next steps to be taken.

2. Exchange of views at the request of the Swedish authorities on the status of naturally occurring sources of vitamins and minerals on the framework of the Regulation (EC) No 1925/2006 on addition of vitamins and minerals and of certain other substances.

After exchange of views, it was concluded that the same considerations on the status of ingredients naturally containing vitamins and minerals used in food supplements, as discussed in the Standing Committee meeting of 2 October 2002, (http://ec.europa.eu/food/committees/regulatory/scfcab/general_food/summary03_en.pdf), should apply also to the use of such ingredients in normal foodstuffs covered by Regulation (EC) 1925/2006 on the addition of vitamins and minerals and of certain other ingredients to foods.

3. Exchange of views on notifications under Article 19 of Directive 2000/13/EC

3.1. Finnish notification 2007/257/FIN concerning the labelling of table salt in certain foods

Finland notified a draft national regulation regarding the labelling of the salt content of certain foodstuffs and a relevant warning appearing on the label where the salt content exceed a certain level.

Most of the Member States which took part to the discussion expressed the view that the issue should be better addressed in the context of the review of the EU nutrition labelling Directive.

3.2. Finnish notification 2006/608/FIN on labelling of alcoholic beverages

Finland notified a draft national regulation that would impose that health warnings appear on the label of alcoholic beverages.

However, the Committee noted that Finland is expected to notify implementing rules regarding the content of the warning, and that the three months deadline will start once that complementary notification will be done.

Most of the Member States which took part to the discussion expressed the view that the issue should be addressed in the context of a common approach at EU level.

3.3. Polish notification 2007/126/PL on labelling of alcoholic beverages.

The comments made under point 3.2. apply, as the situation is similar. Poland notified on 8 June 2007.

3.4. Greek notification concerning the compulsory indication of place of origin and date of production of frozen dough on the label of preserved bakery products.

This point was not discussed as the notification reached the Commission very recently and many Member States did not yet receive it.

It was concluded that this exchange of views will be taken into consideration by the Commission in view of its further decisions on the notifications concerned.

4. State of play on the permanent exemptions of allergen labelling

The attention of the Committee was drawn to the fact that a decision on permanent exemptions for labelling certain allergen derivatives should enter into force on 25 November 2007 at the latest, since provisional exemptions granted through Directive (EC) N° 2005/26 of the Commission will expire on the same date.

It was concluded that a draft will therefore be submitted to the Committee for vote at its next meeting in October 2007.

5. Presentation of the final draft of the public version of the "Novel Food Catalogue"

The Commission representative explained that the Novel food Catalogue was being prepared as a medium providing orientation/information about whether foods and food ingredients require authorisation under Regulation (EC) No 258/97 concerning novel foods and novel food ingredients. It should be made available to the general public and stakeholders (corrected and edited with the help of Member States) end 2007 on the website of DG Health and Consumer Protection. In order to facilitate the understanding of this list, detailed information about the catalogue will be provided.

The Novel Food catalogue is a non-exhaustive list of products of plant or animal origin as well as of other substances which have been considered only in relation to their status within the meaning of the Novel Food Regulation. It is focused on particular requests by industry and/or on questions raised in the context of official food control.

The "Novel Food Catalogue" is intended to provide only a first orientation as to whether a product would require authorisation under the Novel Food Regulation or not, where it is intended to be placed on the EU market as food or food ingredient. However, that "first orientation" stays without prejudice to specific national legislations that are likely to restrict, in accordance with the rules of the Treaty, the placing on the market of such a product as a food or food ingredient in some Member States.

The document is a "living database", therefore its contents will be updated as a result of new information provided to and by the Member States or as the outcome of surveys carried out by Member States and notified to the Commission. The information provided by this document should be used without prejudice to amendments on the basis of new or more completed information.

Information to amend the "Novel Food Catalogue", in particular well-founded information about a history of significant consumption of a food or food ingredient in a Member State of the EU should be submitted to the authorities of that particular Member State for verification.

The Standing Committee welcomed the presentation of the draft. The catalogue is expected to be published by end 2007.

6. Launch of "Olive Oil with BENECOL" in Portugal.

Recently, olive oil with added phytosterol esters (Benecol, which was on the market before the Novel Food Regulation entered into force) was placed on the market in

Portugal. Member States have expressed concern about the intake of phytosterols and phytostanols (and their esters) added to foods. Therefore, the groups of foods to which the addition of phytosterols was authorised are limited. In particular, the authorisation of using phytosterols in vegetable fat is restricted to yellow fat spreads.

The Commission services reported that exchange of correspondence with the interested stakeholder did not lead to the voluntary acceptance of these restrictions. Therefore consideration would be given to means that may be available, in particular following the forthcoming application of Regulation 1925/2006, for controlling the marketing of foods with added phytostanols esters.

7. Opinion on Draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council. (SANCO/2007/1628 – Monitoring Plan). (Chairman Mr Michael Flueh)

A draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was submitted to the Committee for an opinion.

Vote: no opinion (197 votes in favour, 52 against, 69 abstentions, 27 not represented).

The Chairman reminded the committee that the placing on the market of products containing this GMO or its derivatives was remaining illegal. He indicated that the Commission would be invited to submit a proposal to the Council in accordance with the Regulatory procedure.

8. Any other business

Proposal on "New Approach"

The Austrian Delegation drew the attention of members of the Committee to the proposal (2007/0029 (COD)) which is discussed in the Council working group on technical harmonization, underlying the importance that the food and feed legislation should remain out of the scope of the future regulation. The participants took note that this issue may be handled by different national services and that, therefore, positions may need to be better coordinated.

Conjugated Linoleic Acid (CLA)

The Commission (and Spain) informed the other Member States that a submission concerning the authorisation of CLA as an ingredient to certain foods was made eventually in Spain. At the meeting of the SCFCAH Section General Food Law of 21 April 2006 it was noted that CLA was subject to the Novel Food Regulation and requires a safety assessment and subsequently authorisation under the Regulation. Consequently, the request for authorisation of CLA under the Novel Food Regulation was welcomed, and it was hoped that the authorisation procedure, which would ensure the lawful conformity of the marketed products, will proceed rapidly. ?

Novel Food Review

The Commission informed the Member States about the progress on the Revision of the Regulation (EC) No 258/97 on novel foods and novel food ingredients. The draft proposal for a new Regulation on novel foods is intended to be adopted by the Commission after the summer break.

Natural mineral waters

The Commission informed the Member States that the Commission of the Codex Alimentarius is expected, during its next session in July 2007, to re-launch the work of the Codex Committee on Natural Mineral Waters in view of revising the limits applicable to health related substances in NMW. Therefore the Commission intends to postpone the revision of the EU limits set up in Directive 2003/40/EC pending the update of the Codex NMW standard.

The Commission noted that in the current rules laid down by Article 4, point 1 of Directive 2003/40/EC there are labelling requirements for fluoride. Therefore, it will send an official request to the Member State competent Authorities seeking information for assessing the current implementation of this provision by the operators.