SUMMARY REPORT OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD IN BRUSSELS ON 23 APRIL 2014
(Section General Food Law)

Chairmen:
Mr Basil Mathioudakis for items A1, A2, A3 and B1
Ms Chantal Bruetschy for items B2, B3, and B4

26 Member States were present. Bulgaria was absent but represented by Belgium. Lithuania was absent but represented by Estonia

A.01 Exchange of views of the Committee on a Working document prepared by the Commission services for consultation of Member States on 3 health claims related to Beta-palmitate and contribution to softening of stools (Question No-EFSA-Q-2008-174), Vitamin D and normal bone and tooth development (Question No-EFSA-Q-2008-178) and plant sterol esters and lowering LDL-cholesterol; high blood LDL-cholesterol is a risk factor in the development of (coronary) heart disease (Question EFSA-Q-2013-00595) pursuant to Regulation (EC) No 1924/2006 (Art.14 of Regulation (EC) N° 1924/2006)

As provided for in Article 17(1) of Regulation (EC) No 1924/2006, Member States were consulted on three health claims provided for in Article 14(1) of that Regulation, for which the European Food Safety Authority (EFSA) published its opinions on 20 February 2014. More specifically, the applications subject to this working document related to the effects of:

• Vitamin D and normal bone and tooth development (favourable opinion)
• Plant sterol esters and lowering LDL-cholesterol
• Beta-palmitate and contribution to softening of stools

With regard to the claim on vitamin D, one Member State considered that the authorisation of such health claim may be premature considering that the discussions in the context of the implementation of Regulation (EU) No 609/2013 on foods for specific groups are still on-going, in particular with respect to the update of the compositional requirements for these foods. The comments expressed during that
discussion will be taken into account by the Commission in finalising its decision while this issue is referred for further discussions at experts’ level.

Regarding the claim on plant sterols, one Member State relayed the concern of applicants about the impossibility to have a pre-submission dialogue with EFSA in order to prepare better applications in future.

A.02 Exchange of views of the Committee on a Working document prepared by the Commission services for consultation of Member States on 3 health claims related to Caffeine and increased alertness (Question No-EFSA-Q-2013-00399), CDP-choline and maintenance of normal vision (Question No-EFSA-Q-2013-00757) and Rosbacher drive® and increased attention (Question No-EFSA-Q-2013-00444) pursuant to Regulation (EC) No 1924/2006 (Art.13(5) of Regulation (EC) N° 1924/2006)

Member States were consulted on three health claims provided for in Article 13(5) of Regulation (EC) No 1924/2006, for which European Food Safety Authority (EFSA) published its opinions on 20 February 2014.

More specifically, the applications subject to this working document related to the effects of:

• Rosbacher Drive® and increased attention
• CDP-choline and maintenance of normal vision
• Caffeine and increased alertness

There were no comments from the Member States with respect to the above opinions. The matter was referred at expert's level before a draft measure is prepared by the Commission.


The Spanish delegation presented the draft measure that provides inter alia for a positive list of other substances with a nutritional or physiological effect that are allowed to be used in the production of food supplements, and establishes the terms under which these substances should be used, in particular, by establishing the maximum daily amounts and health warnings for some of them.

The Spanish delegation explained that the main objective of the draft Royal Decree is to guarantee a high level of health protection and to ensure the competitiveness of the industry. In drafting the notified measure, existing authorisations, scientific
documentation by certain agencies including the Spanish Agency for Food safety and Nutrition (AESAN), and evidence based on traditional use were taken into account.

During the exchange of views, some delegations sought clarifications on the application in practice of the mutual recognition principle. Certain delegations questioned the origin of the warning statements and the general nature of some, such as the warning “avoid consumption together with medication”. A delegation commented on the fact that some warning statements already existed at EU level, for example for chitosan, and that additional statements could be confusing. Furthermore, the Commission asked for a clarification on the definition of the term “children” in certain warning statements.

In reply to these comments, the Spanish delegation explained that the mutual recognition principle will apply to products that are lawfully marketed in another EU Member State. With regard to the warning statements, these were in line with the report issued by the AESAN, and the warning “avoid consumption together with medication” was meant specifically for certain substances, such as pectins, due to their potential interference with the absorption of medication. The inclusion of a warning statement for children was considered necessary as the AESAN report evaluates the use of these other substances only in the adult population.

The Commission reminded the Spanish delegation that the standstill period laid down in Article 19(3) of Directive 2000/13/EC and in Article 12 of Regulation (EC) No 1925/2006 will start only after receipt of these clarifications in writing.

In accordance with the procedure laid down in Article 19 of Directive 2000/13/EC and of Article 12 of Regulation (EC) 1925/2006, the Commission will express its opinion regarding this notification taking into consideration this exchange of views.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) on the authorisation of a health claim made on foods and referring to the reduction of disease risk

The draft Commission Regulation was submitted to the Standing Committee in accordance with Article 17(1) of Regulation (EC) No 1924/2006. It aims at authorising one health claim on folic acid and the increase of maternal folate status by supplemental folate intake and reduction of the risk of neural tube defects, pursuant to Article 14(1)(a) of Regulation 1924/2006. The European Food Safety Authority (EFSA) gave a favourable opinion to this claim and accordingly it should be authorised.

The Commission presented the draft and the health claim therein. One Member State proposed a modification to the wording of the claim in order to make it clearer for consumers. The following wording was proposed and accepted by the Committee by unanimity: "Supplement folic acid intake increases maternal folate status. Low maternal folate status is a risk factor in the development of neural tube defects in the developing foetus ". It was noted that this was the wording also proposed by the applicant.
Vote taken: favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of citicoline as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

During the SCFCAH GFL meeting of 10th February 2014, a draft Implementing Decision to authorise the use of citicoline in food supplements and in foods for special medical purposes had been presented for a possible opinion. After a discussion it was decided to postpone the vote to further clarify in the draft decision that the use of citicoline is not intended for children. The Commission presented the revised draft measure. One Member State proposed to delete words "a medicinal product containing" in recital 9. After discussion no other changes were made.

Vote taken: favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of rapeseed protein as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

During the SCFCAH GFL meeting of 10th February 2014, a draft Implementing Decision to authorise the use of rapeseed protein as a novel food ingredient had been presented for a possible opinion. Further to the addition of a sentence in Article 3 ("This statement shall appear in close proximity to the list of ingredients") and to minor editorial changes, the draft received a favourable opinion by qualified majority. However, after the vote had taken place, the Commission had been notified that the applicant had changed and that the decision should be addressed to the new applicant who had acquired rights for this application. As this was considered a substantial change, the draft decision as revised accordingly was presented for a vote to the Committee. One Member State proposed to add to the last sentence in Article 3 wording ", if such a list exist". The Commission representative proposed to use instead words "where relevant".

Rapeseed protein, due to its "novel nature", cannot be considered today as a "common allergen". However, at the later stage the appropriateness of the inclusion of rapeseed protein in the Annex II of Regulation (EU) No 1169/2011 by means of delegated act could be considered.

Vote taken: favourable opinion.
B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of UV-treated baker's yeast (Saccharomyces cerevisiae) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

The Commission presented the draft Implementing Decision to authorised UV-treated baker's yeast (Saccharomyces cerevisiae) as a novel food ingredient.

Vote taken: favourable opinion.