STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
SECTION ON GENERAL FOOD LAW

Summary Record of Meeting of 01 October 2009

Chairman: Mr Basil Mathioudakis

Member State absent and represented: 1

1. Exchange of views on the use of oxyhydroxide media to remove manganese, iron and arsenic from natural mineral waters and spring waters.

The Committee noted that the treatments using oxyhydroxide media to remove manganese, iron and arsenic from natural mineral waters and spring waters are currently in use in a number of Member States under the supervision of the competent authorities, and that European Food Safety Authority (EFSA) has concluded that categories of these treatments can be safely applied provided that certain critical steps are implemented and monitored appropriately. Member States that currently permit the use of those treatments covered by the opinion of EFSA should take into account EFSA's conclusions on their safety in use.

In the course of the discussion, some delegations indicated the need to clarify the legal framework. They considered that guidelines would not be sufficient. The Committee shared this view and, therefore, considered necessary to revise Directive 2009/54/EC in order to allow the harmonisation of the legislation on the conditions for use of these treatments.

It was indicated that such modification to the Directive would involve consultations and assessment of impacts and have to follow the co-decision procedure; therefore, a considerable amount of time is to be envisaged.

2. Information regarding the procedure under Article 17 of Regulation (EC) 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods (Transitional measures).

An information document was distributed to the Committee as a reminder of the deadline of 19 January 2010 for Member States to submit dossiers to the Commission supporting the use of substances currently permitted under derogation according to Article 17 of Regulation (EC) No 1925/2006.

The Committee was reminded that the substance must not require authorisation under Regulation (EC) No 258/97 of 27 January 1997 of the European Parliament and the Council concerning novel foods and novel food ingredients.
The Commission appealed to the delegations to submit their dossiers well ahead of the deadline and to ensure that the dossiers were complete and in accordance with the guidance for submission which may be found on the Europa website at the following address:


3. Exchange of views on a notification (Directive 2000/13/EC) by Italy of draft Decree setting out: "Standards governing the labelling of long-life sterilised milk, UHT milk, micro filtered pasteurised milk and high-temperature pasteurised milk, as well as dairy products".

On 25 August 2009 Italy notified a draft measure providing for an obligation to indicate the place of origin on the labelling of sterilised shelf-stable milk, UHT milk, micro-filtered pasteurised milk and high-temperature pasteurised milk (Article 2). Moreover, the labelling of dairy products shall indicate the place of origin of the milk used in the manufacture of such products (Article 3(1) and 3(3)). Finally, the labelling of cheese obtained from curd shall indicate the place of origin of the milk used in the curd.

The delegation of Italy explained that its government is committed to providing information on origin labelling for all food products. In particular, it would like to progressively extend the Community rules on mandatory origin labelling for beef to all foods. The notified measure falls within that broader initiative. According to Italy, the purpose of the notified Decree is to protect the Italian consumers from misleading practices as to the true origin of the milk, including that from which dairy products are made.

Most of the Member States which took part to the discussion expressed the view that the issue of origin should be better addressed in the context of the Commission proposal for a Regulation on the provision of food information to consumers in view of a common approach at EU level. The same Member States also drew the attention of the Committee to the potential obstacles to the free movement of goods that such kind of national measures could potentially imply.

One delegation said that it could support the notified measure if a clause of mutual recognition was foreseen for products legally produced and marketed in other Member States.

One delegation drew the attention of the Committee that a growing number of national initiatives on origin are in the pipeline. According to this delegation, this should lead the Commission to address such an issue at European level in order to find appropriate ways to respond to the expectations expressed by the European consumers. The same delegation also expressed support to the notified measure.

The Commission took note of the opinions expressed by the Member States and the Committee was informed that pursuant to the procedure of Article 19 of Directive 2000/13/EC, the Commission will express an opinion regarding this notification by 26 November 2009 taking into consideration this exchange of views.
4. Exchange of views on a draft Commission Regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health (Right of scrutiny of the European Parliament under the regulatory procedure with scrutiny).

The draft Regulation was submitted to the Standing Committee, in accordance with Article 17(1) of Regulation (EC) No 1924/2006; it concerns authorisation following two applications and rejection following two applications of health claims provided for in Article 14(1)(a) of that Regulation.

In that context, and on the basis of a note distributed to the delegations, a discussion took place on the specific issue of health claims referring to the effect of plant sterols and plant stanol esters on the lowering of blood cholesterol and on the specific elements that could be dealt with in the draft Regulation according to the EFSA opinion Q-2009-00520 and Q-2009-00718 (daily intake, magnitude and duration of the effect).

During that exchange of views, some Member States expressed concerns in relation to health claims indicating the magnitude of the claimed effect whereas other Member States expressed support for allowing such claims.

Regarding the question of the daily intake, it was concluded that, having regard to the conclusion of the above-mentioned EFSA opinion, in which it concludes that the significant reduction of blood cholesterol was observed with a daily consumption of plant sterols and plant stanols between 1,5 and 2,4 g, the Standing Committee took note that the conditions of use set in precedent decisions submitted for vote will be adapted or complemented, so that all products complying with the conditions of use mentioned in these EFSA opinions could bear the health claim "Plant sterols/stanols have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease".

The legislative process to complement or adapt the conditions of use will be completed as soon as possible so as to ensure that all products are given the same legal certainty and therefore are subject to the same competitive conditions. The Committee agreed that full weight should be given by the Member States to this perspective, as well as to the need to ensure the smooth functioning of existing markets for such products.

The Commission stressed the need to progress on the discussions in order to present the draft Regulation to the vote of the Committee in its next meeting and reminded of its request for written comments from Member States.

5. Exchange of views on a draft Commission Regulation refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (Right of scrutiny of the European Parliament under the regulatory procedure with scrutiny).

The draft Commission Regulation was submitted to the Standing Committee, in accordance with Article 18(5) of Regulation (EC) No 1924/2006, refusing to authorise the use of four health claims provided for in Article 13(5) of that Regulation. The applications were based on newly developed scientific evidence, as provided for in Article 13(5) of that Regulation.

The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.
5A. Exchange of views on classification of enzymes as foodstuff (requested by Germany)

Germany called for a discussion on the classification of enzymes as foodstuffs, as it would result from that classification that enzymes producers would be considered or not as food business operators with regard to the food law.

During the exchange of views, many Member States expressed the view that food enzymes should be considered as foodstuffs and hence the companies producing them as food business operators within the meaning of Regulation (EC) No 178/2002.

The Commission explained that the new Regulation (EC) No 1332/2008 on food enzymes harmonises the use of food enzymes in the Community. A food enzyme is a substance intentionally incorporated into the food during its manufacture, preparation or treatment, hence it should be considered as 'food' within the meaning of Article 2 of Regulation (EC) No 178/2002.

Depending on its use, the same enzyme may or may not have a technological effect in the final food. In the latter case the enzyme is considered as a processing aid i.e. present only as an unavoidable residue which does not have a technological effect in the final food. Even if the residues are excluded as such from the definition of 'food' under Article 2 of Regulation (EC) No 178/2002, the use of food enzymes in food, including processing aids, should comply with the general principles and requirements of the food law as established in Regulation (EC) No 178/2002.

Recital 11 of Regulation (EC) No 178/2002 states that "there should be a broad definition of food law covering a wide range of provisions with a direct or indirect effect on the safety of food......". This supports the conclusion that food enzymes added to food fall within the scope of Regulation (EC) No 178/2002 and they should be considered as food. This is also stated in recital 18 of Regulation (EC) No 1332/2008.

That conclusion was endorsed by the Committee.

5B. In anticipation of the first opinions from EFSA on the health claims referred to in Article 13(3) of Regulation (EC) No 1924/2006, discussions on the subsequent risk management measures to be taken.

Upon receipt on 1 October 2009 of the first series of EFSA opinions on the health claims referred to in Article 13(3) of Regulation (EC) No 1924/2006, the Commission presented its intentions to progressively adopt the list of the permitted health claims.

Such progressive adoption will harmonise at Community level, without unnecessary delay, the use of such permitted health claims. In addition, the measure which will be submitted to the Committee will clarify that, for the health claims for which assessment is still on-going, the transition regime foreseen in the Regulation continues to apply.

In that perspective, however, as the transition measures laid down in Article 28(5)-(6) of the Regulation differentiate between the three types of health claims referred to in Article 13(1)(a),(b) and (c), Member States are asked to confirm that the health claims submitted in accordance with Article 13(2) of the Regulation comply with the transition measures as laid down in Article 28(5)-(6) of the Regulation.
Finally, health claims which are rejected will be included into the Community Register, in accordance with Article 20 of the Regulation, as health claims that are not permitted to be used on the market.


The item was withdrawn from the agenda and will be examined at a future meeting.

7. Exchange of views and possible opinion on a Draft Commission Decision concerning the draft Decree from Greece on the display of information of all manner of dairy products indicating the country of origin of the raw material (milk) used for the manufacture and sale of such products to the final consumer, and the obligations of retail sellers on how to display dairy products at points of sales within their stores (SANCO/6782Rev.1/2009) (Right of scrutiny of the EP).

The item was withdrawn from the agenda and will be examined at a future meeting.


The draft Regulation lays down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.

During the exchange of views, several delegations expressed concerns in particular on the labelling statement "water subjected to an authorised activated alumina treatment" proposed in Article 4 of the draft, as it differs from the indication "water subjected to an authorised adsorption technique" that was included in the "Guidelines on the conditions for using activated alumina for the removal of fluoride from natural mineral waters and spring waters" that were validated by the Standing Committee of 14th December 2007 as a transitional measure pending Community legislation.

Some delegations also requested an extension of the transitional period permitting the marketing of those products that did not comply with the labelling requirement of Article 4 from one year to 18 months.

It was decided that these concerns should be taken into account and that the appropriate modifications should be made to the draft, as well as a few editorial changes.

The Committee delivered a favourable opinion by qualified majority (in favour: 341 votes; against: 4 votes).


The draft Regulation aims at adding five new nutrition claims concerning omega-3 fatty acids, monounsaturated fat, polyunsaturated fat and unsaturated fat to the list of permitted nutrition claims referred to in Article 8(1) of Regulation (EC) n° 1924/2006.
The draft was presented for exchange of view during the Standing Committee Meeting of 22 June 2009, and for a possible opinion on 15 July 2009; at that occasion, many Member States asked to postpone the vote in order to better scrutinise the conditions of use of these claims. Following technical discussion with Member States experts, these conditions were revised.

Concerning "source of omega-3" and "high in omega-3" claims, a provision relating to minimum omega-3 fatty acid content for food supplements was discussed and finally withdrawn from the Regulation. The Committee considered that the issue of specific conditions applying to food supplements should be addressed for the use of all nutrition claims listed in the Annex of Regulation (EC) No 1924/2006.

As some Member States asked for further modifications of the conditions of use, such as the setting of maximum levels of saturated fat or trans-fatty acids for the use of these claims, it was recalled that the nutrient profiles foreseen by Article 4 of Regulation (EC) n° 1924/2006 would aim at avoiding such claims on foods high in saturated fat.

Some editorial changes were made to the text that was circulated to the Member States prior to the meeting.

The Committee delivered a favourable opinion by qualified majority (in favour: 297 votes; abstention: 48 votes) (*).

(*) The UK requested the following statement to be inserted in these minutes:

“The UK abstained from the vote because of concerns that the lack of distinction between long and short chain omega-3 fatty acids and low threshold levels in the Commission’s Regulation will undermine UK Government food-based dietary guidelines. Oily fish is the only significant source of the long chain omega-3 fatty acids which offer heart health benefits and claims which suggest otherwise will mislead consumers.”