1. Exchange of views of the Committee on a request by Germany to apply the procedure under Article 8 of Regulation (EC) No 1925/2006 to a list of botanical substances

An exchange of views took place on the request of Germany to initiate the procedure under Article 8 of Regulation (EC) No. 1925/2006 for ten plants and their preparations (Aristolochia spp., Salvia divinorum, Aconitum spp., Digitalis spp., Pausinystalia yohimbe, Dryopteris filix-mas, Catha edulis (Vahl), Ephedra spp., Rauvolfia serpentina (L.), Datura and Brugmansia spp.).

The German delegation explained that this request is made in the light of the scientific opinions of the Federal Institute for Risk Assessment (BfR) that conclude that the consumption of these plants and their preparations may pose a risk to health. These opinions had been sent to the delegations in advance of the meeting.

In opening the discussion, the Commission recalled the conditions that must be fulfilled in order to initiate the procedure under Article 8 of the Regulation. In this context the Commission observed that, for a majority of the substances included in the German request, no information on the use of the concerned substances in food was provided by the German authorities. The Commission urged the delegations to keep in mind the scope of Article 8 and the purpose for which it was created.

During the discussion, amongst the Member States which expressed views on the issue, four were supportive of the German request, while six others expressed their doubts that the procedure under Article 8 may be used to create a negative list of herbal substances, as requested by Germany, that are not used in foods.

On the other hand, the Commission noted the appeal from some Member States for action to be taken to harmonise the use of plant preparations in the EU. The Commission reminded those delegations that Article 8 of Regulation (EC) No 1925/2006 is not intended to be used as legal basis so as to harmonise the area of plant preparations, and that the issue is being discussed in the context of reflections on the way forward in the area of health claims on plant preparations.
It was concluded that the discussion usefully highlighted a number of points on the issue; the Commission will consider the request by Germany in relation to the list of ten plants and their preparations and any decision would take into account the views presented by the delegations and the elements mentioned during the exchange of views.


On 5 February 2011, the Dutch authorities notified a draft Decree laying down rules for the approval of a food choice logo to be used to designate healthier foods within a particular food group. The draft decree provides for the legal framework of the logo, while the logo itself and the nutritional criteria governing its use will be subject of another notification.

The Dutch delegation made a brief presentation of the logo system and its two steps notification.

Some Member States indicated they had no objection, while another recalled that such a logo should comply with nutrient profiles, once they will be set, and with the other provisions of the Regulation on claims, notably the general principle following which claims shall not give rise to doubt about the safety and/or the nutritional adequacy of other foods.

The Commission recalled that the second notification will provide detailed rules for the use of the logo and will also be discussed by the Committee.

The Commission, in accordance with Article 23 of Regulation (EC) No 1924/2006, will adopt an opinion within six months from the date of this notification.

3. **Exchange of views of the Committee on an Italian notification (2011/152/I) of a draft Ministerial Decree on the use of herbal substances and preparations in food supplements (MH)**


The Italian delegation presented the draft measure that provides inter alia for a positive list of herbal substances and preparations which are allowed to be used in food supplements, and establishes the daily intake limits and health warnings for some of them.

The Italian delegation also indicated that a clause of mutual recognition is inserted in the draft legislation. Therefore, products lawfully manufactured or marketed in other Member States can be marketed in Italy without being labelled in accordance with the notified draft Regulation.
The Commission clarified the procedural aspects. In particular, it was explained that the additional labelling requirements (health warnings), laid down in the notified measure, will be assessed under the notification procedure of Article 19 of Directive 2000/13/EC. In addition, the points related to the restriction or prohibition of the use of the substances in question, are to be assessed under the notification procedure of Article 12 of Regulation (EC) No 1925/2006.

The Commission asked for further clarification on which information requirements provided by the draft Decree should appear on the label of food supplements for consumer information and which of them are addressed to the food business operators. In this regard, the Commission recalled that a letter asking for complementary information had been sent to the Italian authorities.

During the exchange of views two delegations expressed their reservations as regards the establishment of a positive list of herbal preparations to be used in food supplements. They pointed out that the evaluation of the safe use of an herbal preparation requires a case-by-case approach as it would depend on which part of the plant is used, its concentration, and the production methods used. In addition, one of these delegations had concerns regarding the inclusion of certain substances in the positive list of the draft Decree. Another delegation expressed its support for the creation of a positive list; however it raised its concerns with regard to the inclusion of certain substances.

The Italian authorities specified that the placing on the market of a food supplement is preceded by a case-by-case assessment carried out by the national authorities, with an emphasis on the safety aspects.

The Commission took note of the delegations' comments and pointed out that, according to the Court of Justice of the European Union, in the absence of harmonised rules at European level, the Member States are able to adopt national rules.

Pursuant to the procedure of Article 19 of Directive 2000/13/EC and of Article 12 of Regulation (EC) No 1925/2006, the Commission will express its opinion regarding this notification after the receipt of the complementary information to be provided by the Italian authorities and taking this exchange of views into consideration.

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4. **Exchange of views of the Committee on a Belgian Notification (2010/249/B) of a draft decree modifying Royal Decree of 29 August 1997 on the manufacture and trade of food consisting of or containing plant or plant preparations (MH)**

On 23 April 2010, the Belgian authorities notified under the procedure of Article 19 of Directive 2000/13/EC and under Article 12 of Regulation (EC) No 1925/2006 the draft decree modifying the Royal Decree of 29 August 1997 on the manufacture and trade of food consisting of or containing plant or plant preparations.

The Belgian delegation explained that the draft decree provides inter alia for safety warnings with respect to foods and foods supplements consisting of or containing plants or plant preparations.
The Belgian delegation explained further that the notified measure updates, according to the latest scientific developments and information, the appendix of the existing Royal Decree. The latter consists of a list of plants which may not be used as or in foods (list 1), a list of edible mushrooms (list 2) and a positive list of plants for use in food supplements (list 3). In particular, it was clarified that 15 new plants have been added to the positive list, several specifications as to the plant parts have been provided and new warnings have been included. The Belgian delegation explained that all the proposed changes are based on the scientific evaluation and risk assessments carried out by the Belgian Advisory Commission for Plants Preparations. With respect to the safety warnings, the Belgian delegation explained that they are divided into two categories, depending on the objective pursued: warnings for the protection of vulnerable groups and warnings against long term use.

The Commission asked for a clarification concerning those substances which are not included in either list 1 (negative list) or list 3 (positive list). The Belgian delegation explained that it was possible for a food business operator to submit plants or plant parts that are not included in the positive list for a scientific evaluation.

Some Member States took the opportunity to underline the need to harmonize the lists of substances other than vitamins and minerals which can be used in food supplements.

In accordance with the procedure laid down in Article 19 of Directive 2000/13/EC and of Article 12 of Regulation (EC) No 1925/2006, the Commission will express its opinion regarding this notification taking into consideration this exchange of views.

5. Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision concerning the draft Decree regulating the exemption from stunning provided for in the slaughter of animals in religious rites and the identification of these meats intended for human consumption (Article 19 of Directive 2000/13/EC of the European Parliament and of the Council) (SANCO/10415/2011) (Opinion of the Committee via the examination procedure) (MH)

The draft Commission Decision was submitted to the Committee pursuant to Article 20 of Directive 2000/13/EC.

On 26 March 2010, the Spanish authorities notified under procedure of Article 19 of Directive 2000/13/EC a draft Decree which requires inter alia that meat intended for human consumption and obtained from animals slaughtered in religious rites without stunning shall be labelled "obtained through the stunning special exemption".

The Commission informed that, following a careful assessment of the notified measure, a negative opinion has been addressed to the Spanish authorities. The reasons which led the Commission to this result remain still valid. However, a relevant amendment in this matter was approved on 19 April 2011 by the Environment, Public Health and Food Safety Committee of the European Parliament at the second reading on the Commission proposal for a Regulation on the provision of food information to consumers. Therefore, a vote on the Commission draft Implementing Decision would not be opportune.

The delegations which took part in the discussion indicated that they were sharing the Commission's view.
In the light of the above, the Committee agreed on postponing the vote.


The draft Commission Regulation was submitted to the Standing Committee in accordance with Article 17(1) of Regulation (EC) No 1924/2006. It would refuse the authorisation of two health claims provided for in Article 14(1)(a) of that Regulation. The Commission noted that the title of the draft measure submitted to the Committee is not in line with the content of the measure and that it should read: "Draft Commission Regulation refusing to authorise certain health claims made on foods and referring to the reduction of disease risk".

Regarding one application, related to the effects of water on the reduction of dehydration and concomitant decrease of performance, the Commission informed delegations that the European Food Safety Authority had requested the applicant to identify the risk factor of the disease (i.e: dehydration) but concluded that the proposed risk factors (water loss in tissues or reduced water content in tissues) are "measures of water depletion and thus are measures of the disease". Delegations agreed that Article 14(1)(a) health claims should refer to the reduction of an identified risk factor in the development of a human disease, in accordance with the definition of these health claims provided for in Article 2(6) of Regulation (EC) No 1924/2006.

The other application related to the effects of calcium-containing fruit juices in replacement of fruit juice without added calcium and the reduction of tooth demineralisation which is a risk factor in the development of tooth erosion.

The draft Regulation will be referred for further discussions at experts' level and put to the vote of the Committee in a future meeting, following the consideration by EFSA of the comments of a scientific nature submitted pursuant to Article 16(6) of Regulation (EC) No 1924/2006.


The draft Commission Regulation, refusing to authorise the use of one health claim foreseen in Article 13(5) of Regulation (EC) No 1924/2006, was submitted to the Standing Committee in accordance with Article 18(5) of that Regulation.

The application was based on newly developed scientific evidence and included a request for protection of proprietary data. It related to the effects of Lactobacillus plantarum TENSIA™ in the semi-hard Edam-type "heart cheese" of Harmony™ and maintenance of normal blood pressure.
The draft Regulation will be referred for further discussions at experts' level and put to the vote of the Committee in a future meeting, following the consideration by EFSA of the comments of a scientific nature submitted pursuant to Article 16(6) of Regulation (EC) No 1924/2006.

Miscellaneous