SUMMARY REPORT OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD IN BRUSSELS ON 5 DECEMBER 2013

(Section General Food Law)

Chairman: Basil Mathioudakis

26 Member States were present. Bulgaria was absent but represented by Belgium; Finland was absent but represented by Sweden.

A.01 Presentation to the Committee of the REFIT exercise of the General Food Law – Fitness check.

The Commission informed the Committee about the forthcoming REFIT exercise (regulatory fitness and performance programme) of Regulation (EU) N° 178/20002 ("the General Food Law Regulation"). The aim is to examine whether this Regulation met and still meets its fundamental objectives and whether the tools in place to achieve its objectives are effective and still fit for purpose. The process involves an external evaluation, internal assessment and a broad consultation with stakeholders.

The Commission informed that European Food Safety Authority (EFSA) would not be part of this exercise since the regular evaluation of the functioning of EFSA took place in 2012 and the next one will take place in 2017. It was stressed that, to ensure transparency, the dialogue with stakeholders and Member States will play an important role during the entire process. A questionnaire would be transmitted to Member States and stakeholders in order to collect their views on the main issues that should be covered by this exercise.

The Commission finally presented the preliminary timing: terms of reference for the external study based on received input should be completed at the beginning of 2014 and a final report should be ready by 2015.
Exchange of views of the Committee on a Working document prepared by the Commission services for consultation of Member States on two health claims related to Pantothenic acid and contribution to normal energy-yielding metabolism (Question No EFSA-Q-2008-186) and Riboflavin and contribution to normal energy-yielding metabolism (Question No EFSA-Q-2008-184) pursuant to Regulation (EC) No 1924/2006.

As provided for in Article 17(1) of Regulation (EC) No 1924/2006, Member States were consulted on two health claims which were submitted pursuant to Article 14 of that Regulation, for which the European Food Safety Authority (EFSA) published its opinions on 30 October 2013. More specifically, the applications subject to this working document related to the effects of:

- Pantothenic acid and contribution to normal energy-yielding metabolism;
- Riboflavin (Vitamin B2) and contribution to normal energy-yielding metabolism.

The Commission presented the working document and the health claims therein.

One Member State raised concerns on the necessity to update the labelling reference values included in Directive 2006/141/EC and Directive 2006/125/EC.

The Commission noted that the authorisation of health claims on nutrients that are mandatorily added to products will proceed having regard to the ongoing implementation of the Regulation (EU) No 609/2013. Furthermore, the Commission stressed that particular consideration should be given to the wording under which these health claims would be authorised taking into account the provisions of Directive 2000/13/EC.

The concerns expressed during that discussion will be taken into account by the Commission. The issue was referred for further discussion at experts’ level.

Exchange of views of the Committee on a Working document prepared by the Commission services for consultation of Member States on 6 health claims related to Glycaemic carbohydrates and recovery of normal muscle function after strenuous exercise (Question No EFSA-Q-2013-00234), Hydroxyanthracene derivatives and improvement of bowel function (Question No EFSA-Q-2013-00650), A combination of black cabbage, chard, spinach and cabbage and oxidative damage of blood lipids (Question No EFSA-Q-2013-00574), A combination of black cabbage, chard, spinach and cabbage and blood LDL-cholesterol (Question No EFSA-Q-2013-00576), A combination of chard, chicory and spinach and oxidative damage of blood lipids (Question No EFSA-Q-2013-00575), A combination of chard, chicory and spinach and blood LDL-cholesterol concentration (Question No EFSA-Q-2013-00579), pursuant to Regulation (EC) No 1924/2006

As provided for in Article 18(4) of Regulation (EC) No 1924/2006, Member States were consulted on two health claims which were submitted pursuant to Article 13(5) of that Regulation, which received a favourable assessment by the European Food Safety Authority (EFSA). More specifically, the applications subject to this working document related to the effects of:
• Glycaemic carbohydrates and recovery of normal muscles function (contraction) after strenuous exercise;

• Hydroanthracene derivatives and improvement of bowel function;

With respect to the health claim on glycaemic carbohydrates, several Member States underlined the importance of setting the conditions of use in such way that would limit the use of this health claim only to foods intended for sportsmen.

The Commission pointed out that in the context of Regulation (EU) No 609/2013, it was agreed that on the basis of requests submitted by food business operators, relevant claims on foods intended for sportsmen will have to be considered for authorisation in accordance with Regulation (EC) No 1924/2006.

On the health claim on hydroanthracene derivatives (HD), several Member States expressed their concern about the medicinal character of these substances and underlined the importance of setting the conditions of use taking into account the restrictions of use concerning the stimulant laxatives as stated in the EFSA opinion.

However, one Member State defended the classification of the product in question as a food supplement because the daily intake of 10mg of rhubarb HD that is needed to achieve the claimed effect is a lower dose than the one recognised by European Medicines Agency (EMA) as having a well-established medicinal (pharmacological) effect.

The Commission reminded the Committee that, as also stated in recital 17 of Regulation (EU) No 432/2012, any decision on the authorisation of a health claim does not constitute an authorisation to the marketing of the substance on which the claim is made, a decision on whether the substance can be used in foodstuffs, or a classification of a certain product as a foodstuff.

The concerns expressed by the delegations during the discussion on these two health claims will be taken into account by the Commission. The issues were referred for further discussion at experts' level.

In addition, Member States were also consulted on four health claims provided for in Article 13(5) of Regulation (EC) No 1924/2006, for which EFSA published its opinions on 30 October 2013. More specifically, the applications subject to this working document related to the effects of:

• Combination of Tuscan black cabbage, “tri-coloured” Swiss chard, “bi-coloured” spinach and “blu savoy” cabbage and protection of blood lipids from oxidative damage;

• Combination of Tuscan black cabbage, “tri-coloured” Swiss chard, “bi-coloured” spinach and “blu savoy” cabbage and maintenance of normal blood LDL-cholesterol concentration;

• Combination of red spinach, green spinach, red chicory, green chicory, green leaf chard, red leaf chard, red Swiss chard, golden Swiss chard and white Swiss chard and protection of blood lipids from oxidative damage;
• Combination of red spinach, green spinach, red chicory, green chicory, green leaf chard, red leaf chard, red Swiss chard, golden Swiss chard and white Swiss chard and maintenance of normal blood LDL-cholesterol concentration.

The Commission presented these health claims and no comments were raised on their substance.

These four health claims will be referred for further discussion at experts’ level and will be presented for the opinion of the Committee in a future meeting.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry

The Commission presented a revised version of the draft Implementing Regulation. It contained several drafting changes and in particular a new proposal for the requirements to set the place of rearing for pigs and for sheep and goats. For pigs, the revised draft defined the rearing period to set the place of rearing as at least four months for pigs slaughtered more than six months old, between the stage of 30 Kg live weight until slaughter for pigs slaughtered with more than 60 Kg and less than six months of age, and the whole rearing period for pigs slaughtered before reaching 60 Kg live weight. For sheep and goats the new draft set this period of rearing as at least six months for animals slaughtered with more than six months of age and the whole rearing period in other cases.

On the request of the Chairman the members of the Committee expressed their respective positions. 22 delegations were in favour of the Commission's proposal while six delegations declared not being in the position to support the draft (against or abstention). Two of these delegations justified the position on their preference for an indication at EU/non-EU level instead of Member State level; one maintained reservations on the indication of a batch code in the label; one other maintained it request for allowing the mixing of batches of different origins/provenance along the chain, another expressed that the rearing period for pigs of four months was too short (preference for six months) and the last one pointed to difficulties to control the live weight of piglets and pigs and considered the rearing period for pigs of less than six months being too short in the case the pig is slaughtered with 60 Kg live weight.

Following discussions and consultation with many delegations, the Commission proposed to amend the draft Regulation replacing the live weight of 60 Kg by 80 Kg for the rearing period of pigs in Art. 5(1)(a). The Commission services declared their commitment to work together with Member States to assure the harmonised application of this Regulation, including control aspects, and if necessary and among other by producing guidance of the Commission services.

With this amendment and a correction in recital 11 of the text as presented by the Commission, the Committee expressed a favourable opinion with Qualified Majority.

After the vote the French delegation acknowledged the efforts of the Commission to find a compromise. It noted that the Commission took the engagement to work with
the Member States in order to ensure an efficient control of the rules. It reaffirmed that it expected that this work is concluded by the adoption of guidance that would allow an efficient control of those rules.

**Vote taken:** favourable opinion by qualified majority (377 in favour, 37 against, 38 abstentions).

**C.01. Exchange of views of the Committee on a draft Commission Regulation 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. This draft Commission Regulation aims at authorising the use of one health claim, pursuant to Article 14 of Regulation (EC) No 1924/2006, which received a favourable assessment from the European Food Safety Authority (EFSA). The health claim in question relates to the effects of increasing maternal folate by supplemental folate intake and reduced risk of neural tube defects (NTD).

The Commission presented the draft Commission Regulation and explained that in the proposed conditions of use, where appropriate, the term "folic acid" instead of the term "folate", should be used. The term "folic acid" is better understood by the consumers and would also ensure consistency with the nutrition labelling Directive 90/496/EC where the term "folic acid" is used in its Annex I. Finally, the Commission clarified that the health claim is proposed for use only in food supplements and therefore any of the authorised sources of folic acid/folate included in Annex II to Directive 2002/46/EC may be used.

Overall, a positive reaction was noted by the delegations and this draft Commission Regulation, may be referred for further discussions at expert level and presented for the opinion of the Committee at a future meeting.


The draft Commission Regulation was submitted to the Standing Committee in accordance with Article 17(1) of Regulation (EC) No 1924/2006. This draft Commission Regulation aims at modifying the conditions of use of the authorised health claims on plant sterols, plant stanol esters and plant sterols/plant stanol esters related to the effects of plant sterols and plant stanols on lowering blood LDL-cholesterol, pursuant to Article 14 of Regulation (EC) No 1924/2006.

The Commission presented the draft and explained that since new evidence has shown that an additional effect is achieved with higher intakes of those substances than those in the current conditions of use, it was considered necessary to amend the conditions of use of the authorised claims as regards the consumer information on the magnitude of the effect and the required daily intake, taking into account the scientific opinions of the European Food Safety Authority (EFSA). The Commission also clarified that in order to ensure that the claims authorised by Regulations (EC) No 983/2009 and (EU)
No 384/2010 do not confuse or mislead the consumer, the conditions of use concerning consumer information on the magnitude of the cholesterol-lowering effect should be set in a coherent way. The Commission also provided a range of intakes up to 3 g in the conditions of use of the claims in the light of Commission Regulation (EC) No 608/2004\(^1\) which provides that the consumption of more than 3 g of plant sterols and plant stanols should be avoided.

Overall, a positive reaction was noted by the delegations and this draft Commission Regulation, may be referred for further discussions at expert level and presented for the opinion of the Committee at a future meeting.

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\(^1\) Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phystostanol esters (OJ L 97 of 1.4.2004, p. 44).