1. Exchange of views on a draft Commission Decision concerning the draft Decree notified by Italy setting out standards governing the labelling of shelf-stable milk, UHT milk, micro-filtered pasteurised milk and high-temperature pasteurised milk, as well as milk products (Right of scrutiny of the EP).

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

As the content of this draft Commission Decision is analogous to the one submitted for vote under point 10 of the agenda, the Member States indicated that their positions were similar to those expressed under point 10.

The draft Decision will be tabled for vote at a further meeting of the Committee.

2. Information about the withdrawn by Malta of the notification of draft Regulations concerning meat products, and in particular paragraph 4(1) and paragraph 5 thereof, requiring the mandatory indication of the country of origin and the date of slaughter on the labelling of meat of porcines, ovines, caprines, equines and rabbits.

The Commission informed the Committee that, following the negative opinion of the Commission on the notified draft Regulations, Malta decided to withdraw the draft measures.

Therefore, the Committee did not consider further the draft Commission Decision.


Upon request by the applicant and following discussion in the Working Group, the Commission services amended the draft Decision concerning the authorisation of puree and concentrate from Morinda citrifolia.
In particular, the use of puree and concentrate as ingredients of food supplements was discussed. The main points raised by the delegations were that more information was necessary about food supplements that contain the puree as an ingredient and that a daily dose of 26.5 g of a liquid ingredient to food supplements appeared to be high.

It was concluded that the Commission services will seek to obtain clarification from the applicant on these points and would inform the Committee when eventually submitting a revised draft decision for vote.

3b. Exchange of views on a notification (Directive 2000/13/EC) by France of a draft Order amending the Order of 4 December 2008 establishing the conditions for using linseed oil for consumption

On 27 November 2009, France notified a draft Order amending the Order of 4 December 2008 establishing the conditions for using linseed oil for foodstuffs.

The draft Order aims at authorising the use of virgin linseed oil or a blended version in common foodstuffs. In particular Article 3 of the notified draft, introducing a new Article 5 to the Order of 4 December 2008, establishes the conditions for use of linseed oil for consumption, which shall appear on the labelling of this product: "not to be used for frying"; "keep away from heat before opening"; "after opening, store in the fridge for a maximum of 3 months".

France explained that the draft Order, which follows an opinion of the French Food Safety Agency (AFSSA), authorises the use of virgin linseed oil in common foodstuffs and in so doing adopts the same position as that of other Member States. Through its richness in alpha-linolenic acid (ALA), virgin linseed oil presents recognised nutritional properties but is sensitive to oxidation. Good practice is needed for keeping virgin linseed oil protected from air oxidation, high temperatures and light.

The French delegation also indicated that a clause of mutual recognition is inserted in Article 11 of the Decree on the basis of which the notified draft Order was prepared. Therefore, products lawfully manufactured or marketed in other Member States can be marketed in France without being labelled in accordance with the notified draft Order.

The above-mentioned provisions of the notified Order did not give rise to comments from the delegations.

The Commission informed the Committee that, pursuant to the procedure of Article 19 of Directive 2000/13/EC, the Commission will express an opinion regarding this notification by 28 February 2010 taking into consideration this exchange of views.

The draft Commission Regulation, firstly presented at the Committee meeting of 22 June 2009 aims at adopting a decision in accordance with Article 17(3) of Regulation (EC) No 1924/2006, authorising the use of five health claims provided for in Article 14(1) of that Regulation, requested in nine different applications for authorisation of health claims and related to the effects of docosahexaenoic acid (DHA) and \( \alpha \)-linolenic acid (ALA) on visual, brain and eye development of children.

The majority of delegations considered that further discussions were necessary in particular in relation to the conditions of use of the health claims. One delegation stressed that allowing such health claims on follow-on formula could be to the detriment of breast-feeding. Moreover, they argued that the compositional requirements for follow-on formula should be re-considered, in light of the EFSA advice on the beneficial effects of DHA, rather than allowing health claims.

Considering the scope of Regulation (EC) No 1924/2006, the Commission expressed concerns with such position, but agreed that further discussions on the technical aspects of the draft Commission Regulation would be prudent.

The vote was postponed to a further meeting.


The draft Commission Regulation, firstly presented at the Committee meeting of 22 June 2009 aims at adopting a decision in accordance with Article 18 of Regulation (EC) No 1924/2006, refusing to authorise the use of one health claim provided for in Article 13(5) of that Regulation. The application for authorisation of the health claim was based on newly developed scientific evidence.

The Commission received on the 4th of December 2009 the EFSA reply on the comments submitted by the applicant pursuant to Article 16(6) of Regulation (EC) No 1924/2006, and circulated it to the Member States prior to the meeting. The EFSA reply was carefully considered and the Committee noted that the submitted comments did not change the conclusions of the EFSA opinion.

The Committee delivered a favourable opinion by unanimity.

The draft Commission Regulation aims at adopting a decision, in accordance with Article 17(3) of Regulation No (EC) 1924/2006, authorising and/or refusing to authorise the use of health claims provided for in Article 14(1) of that Regulation. The draft Regulation concerns one health claim for authorisation and two for rejection.

The draft was first presented at the Committee meeting of 1st October 2009 and discussed in subsequent meetings of the working group on nutrition and health claims.

Regarding the two health claims for rejection, the Commission received on the 4th of December 2009 the EFSA replies on the comments submitted by the applicants pursuant to Article 16(6) of Regulation (EC) No 1924/2006 and circulated it to the Member States prior to the meeting. The Committee considered carefully the EFSA replies. It agreed, regarding one health claim application, that a travel destination could not be regarded as a 'risk factor', as mentioned in Article 2(2) 6) of Regulation No (EC) 1924/2006 and in the context of Article 14(1)(a) of that Regulation.

Regarding the health claim to be permitted, 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 included in the draft Regulation taking into account to the EFSA opinions Q-2009-00530 and Q-2009-00718 (daily intake, magnitude and duration of the effect).

During the exchange of views, some Member States expressed concerns about health claims indicating the magnitude of the claimed effect as this could lead to over consumption. Other Member States expressed support for allowing such specific elements to be included in the claims.

Having regard to the above-mentioned EFSA opinions, in which it concludes that the significant reduction of blood cholesterol was observed with a daily consumption of plant sterols and plant stanol esters between 1, 5 - 2, 4 g, it was concluded that such information on the daily intake should be communicated to the consumer. It was further considered that within this range, having in mind the EFSA advice, there would be no scientific basis for differentiating between plant sterols and plant stanols in terms of their efficacy on the cholesterol lowering effect.

Having regard to the other elements of the above-mentioned EFSA opinions regarding the duration and the quantification of the claimed effect it was concluded that the claim "Plant sterols / plant stanol esters have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease" should be authorised without restricting it to the matrixes identified by EFSA for which the quantified effect "7-10%" has been well established. However, the reference to the magnitude of the effect "7-10%" should be limited to the matrixes for which EFSA recognised that the size of the effect is well established (yellow fat spreads, mayonnaise,
dairy products and salad dressings) and should be accompanied by information to the consumer that the effect is achieved within "in 2 to 3 weeks".

Following the consequent changes in the submitted draft the Committee delivered a favourable opinion by qualified majority (in favour: 314 votes; abstention: 24 votes; absence: 7 votes).


The draft Commission Regulation aims at adopting a decision, 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 and/or requesting the protection of proprietary data, as provided for in Article 13(5).

Regarding two of the health claims concerned, the Commission received on the 4th of December 2009 the EFSA reply on the comments submitted by the applicant pursuant to Article 16(6) of Regulation (EC) No 1924/2006, and circulated it to the Member States during the meeting.

The EFSA reply was carefully considered and the Committee noted that the submitted comments did not change the conclusions of the EFSA opinion.

The Committee delivered a favourable opinion by qualified majority (in favour: 338 votes; absence: 7 votes).


The draft Commission Regulation, firstly presented at the Committee meeting of 20 February 2009 aims at adopting a decision in accordance with Article 18 of Regulation (EC) No 1924/2006, refusing to authorise the use of one health claim provided for in Article 13(5) of that Regulation. The application for authorisation of the health claim was based on newly developed scientific evidence and including a request for the protection of proprietary data.

The health claim concerned was further discussed at the Committee meeting of 27 April 2009 and, as different views were expressed by the delegations, it was concluded that it should be subject to further consideration.
The EFSA replies to the comments received from the applicant, pursuant to Article 16(6) of Regulation (EC) No 1924/2006, and to the additional request for clarification from the Commission were considered.

As it was asked why further comments from the applicant on the EFSA reply to the request for clarification from the Commission were not sent to EFSA, the Commission recalled the procedures as laid down in the Regulation and explained that the deadlines for submitting comments pursuant to Article 16(6) are 30 days following the publication of the EFSA opinions.

The Committee delivered a favourable opinion by qualified majority (in favour: 309 votes; abstention: 29 votes; absence: 7 votes).


The draft Commission Regulation aims at amending Regulation (EC) No 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health, in accordance with Article 19(2) of Regulation (EC) No 1924/2006. In particular, it aims at amending the conditions of use of the two authorised health claims on the effects of plant sterols and plant stanols on the reduction of blood cholesterol which is a risk factor in the development of coronary heart disease and at amending the condition of use of the health claim on the effect of essential fatty acids on children's development and growth.

At the Committee's meeting of 20 February, it was concluded that there is a need for scientific advise from EFSA to ensure that such health claims are authorised in a way which will not mislead the consumer, that conditions of use are set in a coherent way, and that such advice should also take into account that claims quantifying the effect may be used on products with different food matrixes.

In addition, due to concerns expressed by some Member States in relation to the conditions of use for the health claim on essential fatty acids (α-linolenic acid & linoleic acid) and normal growth and development of children, it was agreed that EFSA should be asked to give advice on reference values for the purpose of labelling for these essential fatty acids to enable the review of the conditions of use for the relevant claim as soon as possible.

Accordingly, the Commission submitted two requests for general advice to EFSA regarding the authorisation of health claims related to plant sterols and plant stanol esters and the labelling reference intake values for essential fatty acids.

Having regard to the conclusion of EFSA opinion Q-2009-00548 in which it proposes 10 g as labelling reference value for the n-6 PUFA LA and 2 g for the n-3 PUFA ALA, the Commission proposed to amend the conditions of use of the authorised health claim on essential fatty acids and children's development and health.
Having regard to the conclusion of EFSA opinions Q-2009-00530 and Q-2009-00718, 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 - 2.4 g, it was concluded that such information on the daily intakes should be communicated to the consumer. It was further considered that within this range, having in mind the EFSA advice, there would be no scientific basis for differentiating between plant sterols and plant stanols in terms of their efficacy on the cholesterol lowering effect.

Having regard to the other elements of the above-mentioned EFSA opinions regarding the duration and the quantification of the claimed effect it was concluded that the claim "Plant sterols / plant stanol esters have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease" should be authorised without restricting it to the matrixes identified by EFSA for which the quantified effect "7-10%" has been well established. However, the reference to the magnitude of the effect "7-10%" should be limited to the matrixes for which EFSA recognised that the size of the effect is well established (yellow fat spreads, mayonnaise, dairy products and salad dressings) and should be accompanied by information to the consumer that the effect is achieved within "in 2 to 3 weeks".

Following the consequent changes in the submitted draft the Committee delivered a favourable opinion by qualified majority (in favour: 314 votes; abstention: 24 votes; absence: 7 votes).

10. 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 European Parliament).

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

The Greek delegation further explained the reasons why the draft Decree should be considered as justified in the light of Directive 2000/13/EC. In particular, it pointed out that such measure is aimed at protecting consumers from fraud and misleading practices. It was also indicated that the draft Decree is necessary to prevent price increases by means of fraudulent origin indications. Finally, the Committee was informed about surveys carried out in Greece according to which 95% of the Greek consumers are interested in knowing the country of origin of foods.

Some delegations 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 as that would allow a common approach at EU level.

Moreover, some delegations indicated that they do not agree with the approach envisaged by Greece as this can potentially create obstacles to the free movement of goods.
Some delegations expressed support for the Greek measure which they consider justified for providing consumers with appropriate and complete information.

Some delegations drew the attention of the Committee to the fact that national initiatives on origin are more and more frequent, and should lead the Commission to address that issue at European level in order to find appropriate ways to respond to the expectations expressed by the European consumers. The Commission pointed out that this issue of origin labelling is addressed in the framework of the proposal for a Regulation on the provision of food information to consumers which is currently being discussed in the European Parliament and the Council.

The Committee delivered a favourable opinion by qualified majority (in favour: 258 votes; against: 48 votes; abstention: 39 votes).

11. Any other business


The Committee noted that the deadline of 31 December 2009 stipulated in Article 4(6) of Directive 2002/46/EC, beyond which Member States can no longer allow the use of vitamins and minerals not mentioned in annex I, or under forms not mentioned in annex II of that Directive, cannot be extended. It noted also that although the formal update of the Annex was adopted recently, operators were aware of the relevant opinions of EFSA and the consequent draft measures prepared by the Commission and submitted to the Committee for a vote since a fairly long time.

Basil Mathioudakis
Chairman of the Committee