Chairman: Mr Basil Mathioudakis

All the Member States were present


The draft Commission Regulation was submitted to the Standing Committee in accordance with Article 17(1) of Regulation (EC) No 1924/2006. It would authorise two health claims provided for respectively in Article 14(1)(a) and in Article 14(1)(b), and would reject two health claims provided for in Article 14(1)(a) of that Regulation.

A discussion took place in relation to authorising a health claim on the effects of calcium and vitamin D on the reduction of bone mineral loss in post menopausal women, which is a risk factor in the development of osteoporotic fractures. Following the EFSA assessment on the application, the Commission requested additional advice from EFSA in order to set coherent conditions of use for claims related to calcium and vitamin D and bone health.

One Member State expressed concerns about the conditions of use set by EFSA in its advice, namely that the proposed daily intake to achieve the effect was high compared to levels used in foods in some Member States. Consequently, that Member State expressed the wish to set upper limits for vitamins and minerals at European level before authorising a health claim with such conditions of use. The Commission recalled that, in the absence of harmonisation, authorising or refusing to authorise a health claim on a nutrient or substance does not prejudge the status of a given product containing such nutrient or substance as regards its classification as a food or as a medicine which, as the European Court of Justice has recognised, is a decision for Member States on a case by case basis. In addition the Commission noted that the current advice for upper levels for calcium and vitamin D refers to amounts higher than the proposed conditions of use for the health claim.
Another Member State suggested that the claim should only be authorised for use in food supplements and although the Commission recognised that in some cases such restriction may be necessary, it recalled that the approach adopted so far was to make every effort to authorise health claims in a way that would allow the largest range of products to use them.

The draft Regulation will be referred for further discussions regarding technical issues at experts' level and put to the vote of the Committee in a future meeting.

2. **Exchange of views on a draft Commission Decision amending Decision 2009/980/EU as regards the conditions of use of the authorised health claim on the effect of Water-soluble tomato concentrate on platelet aggregation (Art. 13(5) of Regulation (EC) No 1924/2006)**

As provided for in Article 18(4) of Regulation (EC) No 1924/2006 Member States were consulted on the draft Commission Decision amending Commission Decision 2009/980/EU relating to the authorisation of a health claim on the effect of water-soluble tomato concentrate on platelet aggregation.

The amendment of the Decision aims at allowing the use of the health claim on food supplements containing 3g of water soluble tomato concentrate I or 150mg of water soluble tomato concentrate II. Discussion took place on the need to specify in the conditions of use that the consumption of such food supplements should be accompanied by liquid intake. All Member States which expressed their position were in favour of setting the obligation to communicate relevant information to the consumer.

The comments expressed during that discussion will be taken into account by the Commission in finalizing its decision. No overall objection was raised regarding the draft Commission Decision.

3. **Review of the process of progressive adoption of the list of permitted health claims as referred to in Art. 13(3) of Regulation (EC) No 1924/2006 (NG; FC)**

The Commission informed the Member States on the adjustment of the process for adopting the list of Article 13 permitted claims, as announced by press release on 27 September 2010. The reasons behind this change were explained, namely to address the issues raised around the potential for market distortion and the inequality of treatment of botanical ingredients due to the different legal frameworks relating to health claims and indications of effect of traditional herbal medicinal products. Clarifications were provided in relation to the consequences of this new approach.

The revised approach would now lead to a two step process, the adoption of the list of permitted health claims for all claims other than those for botanical ingredients after EFSA finalises its evaluation in June 2011; subsequently consideration will be given to claims on botanicals. While the new approach would delay the partial adoption of the permitted list, the timing of the complete adoption (other than on claims concerning botanicals) would be brought forward.
Member States generally welcomed this change of approach by the Commission to address these difficult issues, particularly with the different treatment of claims on botanical substances in two key pieces of legislation. As a result, Italy noted that it had now withdrawn notification of national measures relating to labelling of food supplements, including botanicals. Two Member States expressed disappointment at the change of approach, but took good note of the explanations provided by the Commission.

Some questions were raised on the transition periods to be granted following the establishment of the list of permitted health claims. The Commission took note while specifying that more discussion would take place on this issue at a later stage. A number of other technical questions were raised and the Commission agreed to address these in the context of the experts' Working Group on claims.


As Ferrous Ammonium Phosphate was not on the market before the entrance into force of the Novel Food Regulation (Regulation (EC) No 258/97), authorisation under the Regulation is required before it may be placed on the market. This novel food is a source of iron and such authorisation would be without prejudice to Regulation (EC) No 953/2009, Regulation (EC) No 1925/2006 and Directive 2002/46/EC.

Germany noted that in the absence of EU rules, maximum amounts set at national level continue to apply. The Commission took note of Germany's position and reminded the Committee that setting national maximum amounts should take into account the relevant EU legislation, in particular that on Food Supplements and on the Addition of vitamins and minerals to food and, in particular, the criteria for setting maximum amounts stipulated therein.

Editorial amendments to the draft Decision were agreed to clarify the text.

The Committee delivered a favourable opinion by unanimity.