Chairman: Basil Mathioudakis

26 Member States were present, Bulgaria was absent but represented by Belgium.

B.1 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health.

A draft Commission Regulation amending Regulation (EU) No 432/2012 was presented to the Committee for an exchange of views and possible adoption. The proposed amendment aims at the inclusion of one new health claim on carbohydrates and the maintenance of normal brain function in the list of permitted health claims. EFSA gave a favourable opinion to this claim and proposed as appropriate conditions of use for the use of that claim that 'a daily intake of 130 g of glycaemic carbohydrates has been estimated to cover the glucose requirement of the brain'.

During previous meetings of the Standing Committee a number of delegations argued that the proposed conditions of use, allowing the claims for all products containing carbohydrates, would promote and encourage consumption of foods containing added sugars. In the draft Commission Regulation presented to the Committee, the Commission, taken into account the concerns of the Member States, proposed this health claim for authorisation under conditions of use that would allow the use of the claim only to foods containing mainly complex carbohydrates and which are either low in sugars (mono- and di-saccharides) or contain sugars naturally. In addition, it was clarified that this claim shall not be made on foods which are 100% sugars.

A few delegations supported that this additional condition should be deleted as it could create confusion when compared to other products in which the main component is sugar but which are not 100% sugars. In particular it was clarified that this condition would also cover foods which may be considered pure sugars even if they contain for example 98% sugars rather than 100%. In the end, it was agreed to keep the statement as originally proposed in the draft measure. Two delegations pointed out that foods targeting sports people, which contain simple sugars at levels higher than the ones allowed by the conditions of use, would not
be able to make the claims. The Commission explained that there was no special request for this claim to target sports people. Furthermore, one delegation sought clarification on whether the health claim on carbohydrates would have to fully comply with the nutrition claim “no added sugar” (as referred to in its conditions of use) and thus also state that it “contains sugars naturally” as required by Regulation (EC) No 1924/2006. The Commission did not consider that such statement (“contains sugars naturally”) would be necessary. In the context of the nutrition claim “with no added sugars”, the purpose of this statement is to alert the consumer that although the food does not contain added sugars it may contain sugars naturally. Finally, for further clarification and coherence with the proposed conditions of use of the claim, the Committee agreed an editorial adjustment on one of the recitals of this draft Commission Regulation.

**Vote taken:** favourable opinion by qualified majority (316 in favour, 29 against).

**B.2 Exchange of views and possible opinion of the Committee 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.**

The draft Commission Regulation was submitted to the Standing Committee in accordance with Article 18(5) of Regulation (EC) No 1924/2006. It aims at refusing to authorise the use of 17 health claims foreseen in Article 13(5) of that Regulation. The applications were based on newly developed scientific evidence and for some of them the applicants requested the protection of proprietary data, as provided for in Article 13(5) of that Regulation.

The Commission presented the draft and the health claims therein and no comments were raised on the substance of the health claims. One Member State pointed out that the way the recital referring to the existence of a transitional period is drafted could have as a result that health claims that were never submitted or that were only submitted after 14 December 2012 can still be used. The Commission underlined that in the context of the authorisation of health claims in accordance with Article 13(5) of Regulation (EC) No 1924/2006, the submission of an application is required. Furthermore, the Commission pointed out that only applications submitted pursuant to Article 13(5) prior to 14 December 2012 can benefit from a transitional period.

**Vote taken:** unanimous in favour.

**B.3 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision concerning the Italian draft Decree on the methods for indicating the origin for shelf-stable milk, UHT milk, microfiltered pasteurised milk and high-temperature pasteurised milk.**

In accordance with the procedure provided for in Article 19 of Directive 2000/13/EC, the Italian authorities notified to the Commission on 9 November 2012 a draft Decree providing *inter alia* for mandatory origin labelling requirements on shelf-stable milk, UHT milk, microfiltered pasteurised milk and high-temperature pasteurised milk. On 4 February 2013, the Commission issued a negative opinion which was notified to the Italian authorities. Pursuant to the draft
Commission Implementing Decision, the Italian authorities may not adopt the draft measure as it cannot be justified on Article 18(2) of the Directive.

The Italian delegation explained that the notified measure is necessary to ensure protection of consumer interests and to strengthen enforcement of the prevention and repression of food fraud.

According to Directive 2000/13/EC, the place of origin or provenance is mandatory on the labelling of foodstuffs where its omission might mislead the consumer. However, the Commission stressed that provisions of Article 2(1) of the notified Decree would entail that the foods at issue are always presented in such a way that they confuse the Italian consumer as to their true origin or place of provenance. In this regard, the Commission noted that the scope of the notified Decree does not apply to milks with a (very) limited shelf life (raw milk, pasteurized milk), which the Italian consumers are more likely to consider as being solely of Italian origin than the foods at issue. Therefore, the introduction of such measures is not considered justified pursuant to Article 18(2) of Directive 2000/13/EC.

Vote taken: favourable opinion by qualified majority (316 in favour, 29 against).

C.1 Exchange of views of the Committee on a draft Commission Regulation (EU) amending Commission Regulation (EU) No 432/2012 and authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.

A draft Commission Regulation amending Regulation (EU) No 432/2012 was presented to the Committee for an exchange of views. As provided for in Article 18(4) of Regulation (EC) No 1924/2006 Member States were consulted on three health claims including a request for protection of proprietary data submitted pursuant to Article 13(5) of that Regulation, which received a favourable assessment by the European Food Safety Authority (EFSA).

The Commission pointed out that up to date only one health claim submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006 has been authorised and that this was done by virtue of a Commission Decision. The Commission explained that, in the future, health claims submitted pursuant to Article 13(5) will be authorised by virtue of a Commission Regulation and included in the list of permitted health claims as established by Regulation (EU) No 432/2012. This approach has the advantage that, after expiry of the five-year period for which protection of proprietary data is granted, all food business operators can use such health claims without the need for the Commission to adopt a new measure.

Health claim on a reformulated, non-alcoholic, acidic drink: As regards the wording of the claim, two delegations pointed out that the use of the term 'reformulated, acidic drinks' in the proposed wording may cause difficulties for consumer understanding. As to the conditions of use of the claim, several delegations expressed concerns that the requirement to communicate additional information to consumers may confuse rather than inform consumers. One delegation underlined that the reference in the proposed conditions of use to 'frequent consumers' is not clear and could give rise to difficulties in terms of
consumer understanding. Furthermore, one delegation noted that the claim on reformulated, non-alcoholic, acidic drinks is misleading and disadvantages mineral waters.

In order to make the wording more understandable to consumers, the Commission suggested to remove the word 'acidic' from the proposed wording of the claim, to specify that soft drinks 'typically' contain 8-12g of sugars/100ml, and to delete the additional information requirement from the conditions of use of the claim.

Health claim on slowly digestible starch: Some delegations had concerns that the food subject to the claim is defined on the basis of a non-widely used method rather than proper definition. The Commission commented that although according to information the method was not used widely, because the concept of slowly digestible starch was new, nevertheless it was well described.

Following the exchange there was consensus on the draft Regulation with suggested changes.

C.2 Exchange of views of the Committee on a draft Commission Regulation setting the rules for applications concerning the use of generic descriptors (denominations).

The Commission presented a draft Regulation setting the rules for applications concerning the use of generic descriptors (denominations).

A discussion took place regarding the appropriate period during which generic descriptors should have been traditionally used for considering relevant applications. After extensive exchange of views, there was a consensus that a period of twenty years back from the date of entry into force of the Regulation setting the rules for applications concerning the use of generic descriptors would be appropriate to demonstrate their traditional use.

In addition, an exchange of views took place as regards supporting data that may be required in relation to the understanding or perception of the consumer. There was broad agreement that it was at the discretion of Member States whether to require relevant evidence or information related to consumer understanding and perception of the effects that could be implied by the generic descriptor.

The Member States agreed to include in this part of the Annex a reference to the possibility for Member States to require from the applicant evidence or information demonstrating that the consumer links the generic descriptor with the specific class of food or beverages which is the object of the application.

Following the exchange there was consensus on the draft Regulation with suggested changes.

M.1 Information from the Commission on the use of CIRCA BC as a tool for sharing documents between the Commission and the Member States.

The Commission has informed Member States that, for future meetings of the Standing Committee section General Food Law, the tool to share the invitation
and related documents will be CIRCA BC. Member States will receive practical information in due course.