1. Exchange of views on the sale of food supplements through the Internet (Letter from Denmark).

The Danish delegation explained that food products sold from websites, mainly food supplements, and originating from EU Member States or from third countries, are found not compliant with the food safety requirements or carry misleading information. Denmark asked other Member States' views on that issue, and wished to discuss the possibility of establishing a common communication tool at EU level, where Member States could report on web based sales in other Member States of such products.

All the Member States which took part to the discussion agreed with Denmark and supported their proposal for exchanging information.

It was concluded that, being a question of control, the responsible Commission services would examine the possibilities offered by RASFF for that purpose.


The draft Commission Regulation, refusing to authorise the use of seven health claims 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 applications were based on newly developed scientific evidence and for some the applicants were requesting the protection of proprietary data.

The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.

3. Exchange of views on the interpretation of Art. 7(2) of Regulation 1924/2006 on nutrition and health claims made on foods.
This provision foresees that, as the case may be, information on the amount of the substances to which a nutrition or health claims relates, and that does not appear in the nutrition labelling, shall be stated in the same field of vision as the nutrition information. Following a recent national court ruling judging that information on the number of probiotic microorganisms contained in a food subject to health claim shall be given to the consumer, the Commission asked the views of the member States on the interpretation of Article 7(2) of Regulation (EC) 1924/2006 following an enquiry of a stakeholder;

Two Member States expressed their views, agreeing with the court ruling. It was concluded that further reflection by Member States would be useful in order to ensure a common understanding of the provision.


On 11 June 2010, the Spanish authorities notified under the procedure of Article 19 of Directive 2000/13/EC a Draft Royal Decree approving quality regulations for candies, chewing gum, confits and confectionaries.

The Spanish delegation explained that the Draft Royal Decree lays down the quality regulations for candies, chewing gum, confits and confectionaries, without prejudice to the sanitary regulations and other specific rules that apply to the production and marketing of those products. The notified draft provides for composition requirements, name and conditions of sale, as well as labelling provisions. This draft is aimed at introducing amendments to current definitions to allow for the production of products whose composition can be reformulated, allowing the industry to make changes to composition, such as the elimination of sugars, and the diversification of the products. It contains a full mutual recognition clause with respect to products lawfully manufactured and marketed in other Member States.

The Commission clarified the procedural aspects. In particular, it was explained that the procedure of Directive 2000/13/EC is applicable as regards the provisions of Articles 3.1.2, 3.1.3 and 3.1.4 of the notified draft.

The majority of delegations who intervened said that they do not have objections to the adoption of such draft by Spain.

The Commission will consider that notification pursuant to the procedure of Article 19 of Directive 2000/13/EC, taking this exchange of views into consideration.


Under the procedure of Article 19 of Directive 2000/13/EC, the Latvian authorities notified on 18 June 2010 a draft regulation laying down the classification, quality and
labelling requirements for dairy products, composite dairy products and processed
dairy products.

The Latvian delegation explained that the draft regulation clarifies inter alia the
labelling requirements for composite dairy products or processed dairy products to
which other foodstuffs or ingredients, whether piece-like or not, and flavouring have
been added. It also sets out the labelling requirements for cheese and other particular
dairy products and processed dairy products.

One delegation expressed the view that the provision of the notified draft concerning a
possible statement 'with plant fats' on the label of dairy products can be considered as
an interesting measure to address the issue of their fraudulent imitation, and it could be
taken into account in the context of the discussion within the High Level Expert Group
on Milk of the Council.

The Commission clarified the procedural aspects. In particular, it was explained that
the procedure of Directive 2000/13/EC is applicable as regards the provisions of
Articles 8 – 13, 15, 17 and 19 of the notified draft. Given the short time of submitting
the point to the Member States, the Commission also invited the delegations to express
their views in writing within one week in order to allow for a complete and
comprehensive assessment of the draft notified by Latvia.

The Commission will consider that notification pursuant to the procedure of Article 19
of Directive 2000/13/EC, taking the views of the Member States into consideration.

5. Exchange of views and possible opinion on a Draft Commission Regulation refusing to
authorise certain health claims made on foods, other than those referring to the
scrutiny of the European Parliament under the regulatory procedure with scrutiny).

The draft Commission Regulation, already presented to the Standing Committee on 26
April 2010 aims at adopting a decision, in accordance with Article 18(5) 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 was based on newly developed
scientific evidence and requesting the protection of proprietary data, as provided for in
Article 13(5) of that Regulation.

The Committee delivered a favourable opinion by qualified majority (in favour: 335
votes; absent: 10 votes).

6. Exchange of views and possible opinion on a Draft Commission Regulation on the
authorisation and refusal of authorisation of certain health claims made on foods and
referring to the reduction of disease risk and to children's development and health.
scrutiny of the European Parliament under the regulatory procedure with scrutiny).
The draft Commission Regulation, already presented to the Standing Committee on 26 April 2010, aims at adopting a decision, in accordance with Article 17(1) of Regulation No (EC) 1924/2006, refusing to authorise two health claims referring to children's development and health provided for in Article 14(1)(b) of that Regulation.

One delegation questioned the assessment of EFSA in relation to the application for a claim on Immunofortis, but such concerns were not shared by other Member States. Therefore, the Committee delivered a favourable opinion by qualified majority (in favour: 323 votes; against: 12 votes; absent: 10 votes).


The Commission presented a revision of the draft Commission Regulation establishing the first part of the list of permitted claims foreseen by Article 13(3) of Regulation (EC) No 1924/2006, on the basis of the first series of opinions published by EFSA on 1st October 2009. Compared to the previous version of the draft Regulation presented in the April 2010 meeting of the Standing Committee, the new one addresses a series of technical issues raised by Member States during discussions and increases legal certainty concerning the regime applicable to permitted claims, rejected claims and claims for which the Commission announced a possibility for further EFSA's assessment.

The majority of Member States confirmed their support to the Commission's intention to progressively establish the list of permitted Article 13 claims, on the basis of the progressive adoption of EFSA's opinions. Two Member States confirmed their reservation on such approach (due to its implications for the market and enforcement authorities) although to different extents.

Member States expressed their overall satisfaction on the new version of the Regulation but some delegations asked for further clarifications on the legal regime for claims that have not been submitted to EFSA for evaluation but are present on the market. The Commission explained that, as the Regulation establishes the list of permitted claims foreseen in Article 13 of Regulation (EC) No 1924/2006, those claims that are not part of the process of authorisation will not be in compliance with Article 28 of Regulation (EC) No 1924/2006 and will not be allowed to stay on the market as of the entry into force of the Regulation under discussion. The Commission added that it will consider whether it would be possible to improve drafting to clarify this point.

In relation to the Annex of the draft, which includes the list of permitted claims, a detailed discussion took place further on the specific concerns raised by Member States in previous discussions.

In particular, for a group of claims favourably assessed on various nutrients, EFSA commented in the opinions that the evidence provided does not show inadequate
intake in EU population. The Commission observed that the absence of evidence of inadequate intake of a nutrient for the general population does not mean that all subgroups of the EU population have adequate intakes of those nutrients. Furthermore, it was stressed that the Regulation does not provide for the possibility to reject the use of claims on such grounds nor to reflect such consideration in the authorisation of the claims in terms of imposing additional labelling requirements. Member States did not object to those views.

For a small group of claims favourably assessed and related to calcium, EFSA commented that the beneficial effect on health was not related to the dietary intake of that nutrient. Some Member States expressed their preference for not authorising such claims on the grounds that they would be misleading to the consumer while one Member State suggested that such claims should be authorised given that the claimed effects are scientifically substantiated.

Although a lot of progress was made during the meeting in relation to rewording of the claims allowing them to be understandable by the average consumer, and on changing conditions of use, discussions took place in relation to some specific cases that the Commission will still have to explore further with the Member States' experts.

Finally, the Commission regretted not to be able to accommodate the request of one Member State to provide translation of the Register of claims in all languages and invited them to ensure such translation in their language.

The draft Regulation will be subject to further modifications in order to take into account the outcome of the discussions in the Standing Committee and put to the vote of the Committee in a future meeting.


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

On 5 February 2010, the German authorities notified under Directive 2000/13/EC a draft Second Order amending the Order on fruit juice and other regulations under food law.

The notified Order provides *inter alia* for the mandatory health warnings "stipulating that the consumption of considerable quantities of these products, especially during heavy sporting activities, and the simultaneous consumption of alcoholic beverages should be avoided" on the labelling of energy drinks containing taurine, inositol, and glucuronolactone.
The German authorities argued that such measure is necessary for reasons of precautionary consumer protection in terms of health and for providing consumers with comprehensive information regarding the use of energy drinks.

Some delegations expressed support for the German measure which they consider justified on the basis of a precautionary approach to address that issue. Moreover, it was pointed out that while scientific uncertainty persists about the harmful effects of the substances contained in those products, there are suspicions that they can present a risk for consumers' health. It was also reported that further scientific studies are currently ongoing at national and international level and that those studies could lead to a new risk assessment by EFSA, in particular as regards the interaction between those substances and alcoholic beverages.

Other delegations expressed the view that the issue of regulating such aspects for energy drinks should be better addressed at European level.

Two delegations stated that there is not enough scientific evidence to support the German draft Order and, would an action appear to be necessary, it should be undertaken at the EU level in order to adopt a harmonised approach.

The Commission recalled that the Proposal on the provision of food information to consumers (COM (2008) final 40) could be the appropriate framework for establishing harmonised relevant health warnings. It was also pointed out that the application of the precautionary principle as laid down in Article 7 of Regulation 178/2002 is subject to specific conditions, in particular that an assessment of available information should first be carried out and that the measures adopted on the basis of that principle should be proportionate and no more restrictive of trade than is required to achieve the objective.

The draft Regulation will be subject to further consideration and discussions and put to the vote of the Committee in a future meeting.

Any other business.

The Commission informed the Committee that new studies on the allergenicity of casein and albumin used as fining agents in the winemaking have been submitted to the Commission in view of a new assessment of those substances by the European Safety Authority (EFSA). The Commission also pointed out that it is now following the procedure laid down in Article 6(11) of Directive 2000/13/EC in order to evaluate the appropriateness of an update of Annex IIIa to that Directive.

Against this background, the Commission asked the delegations' views about a possible extension of the deadline for the mandatory application to the wine sector of Directive 2007/68/EC, currently fixed at 31 December 2010 pending the delivering of the opinions by EFSA.

The delegations which intervened in the discussion expressed support for the extension of the above-mentioned deadline.