Chairman: Mr Basil Mathioudakis

Member State absent and not represented: 1

1. Exchange of views on a Draft Commission Decision concerning a draft Regulation from Ireland on the labelling of country of origin of poultrymeat, pigmeat and sheepmeat

In accordance with Article 19 of Directive 2000/13/EC, Ireland notified on 25 June 2008 a draft regulation measure that would impose origin labelling of poultry, pig or sheep meat and meat products or preparations made up of such meat.

The Commission informed the Committee that, after an assessment of the notified measure and the justifications submitted in support of the proposed national legislation, the Commission addressed in September 2008 a negative opinion to the Irish authorities.

A draft Commission Decision requiring Ireland to refrain from adopting its draft Regulation was, therefore, submitted to the Committee, pursuant to Article 19(4) of Directive 2000/13/EC, for a first exchange of views.

Most of the Member States which took part to the discussion pointed out that the consumers attach great importance to information on foods origin. However, they expressed the view that the issue should be better addressed in the context of the Commission proposal for a Regulation on the provision of food information to consumers in view of a common approach at EU level.

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

2. Exchange of views on EFSA opinion on application pursuant to Article 14 of the Regulation (EC) No 1924/2006 on “DHA and ARA” and “children’s development and health” submitted by Martek Biosciences Corporation to the Competent Authority of the United Kingdom (Claims Serial No: 0040-UK)

The Commission representative informed the Committee that comments from the applicant on the above opinion were received and will be forwarded to EFSA. It was further explained that, as a general rule, such comments would be sent to EFSA, which will be asked to examine the elements in these comments relevant to the scientific assessment and then inform the Commission accordingly. As the case may be, other comments will be considered by the Commission and the Member States when authorising or rejecting the use of the health claims.
Member States had no particular comments at that stage on that EFSA opinion, which will be further considered pursuant to the provisions of that Regulation.

2a. Exchange of views on a Draft Commission Decision concerning a draft Regulation from Austria on identification marking of the type of housing in which hens are kept, for foods containing or made from eggs

The Austrian delegation informed the Committee and confirmed that following the negative opinion of the Commission on the notified draft Regulation, Austria decided to withdraw the draft measures.

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

Nevertheless, the Austrian delegation pointed out that the consumers want to be informed about the type of housing in which hens are kept in relation to egg products and foods containing or made from eggs. It therefore declared that Austria will support any initiative aimed at introducing at EU level this information on a mandatory basis.

3. Exchange of views and possible opinion on a draft Commission Regulation amending Directive 2006/141/EC on infant formulae and follow-on formulae as regards a compositional specification of infant formulae based on hydrolysates of whey protein derived from cow's milk protein

The draft Regulation concerns a purely technical amendment of Directive 2006/141/EC.

Commission Regulation (EC) No 1609/2006 of 27 October 2006 authorised for an initial two year period until 27 October 2008 the placing on the market of innovative infant formulae based on hydrolysates of whey protein derived from cows' milk protein, subject to the respect of detailed technical specifications for the protein content and sources and the protein processing.

This authorisation was confirmed on a permanent basis by Commission Directive 2006/141/EC which incorporates the particular technical specifications for the protein content and sources and the protein processing for the products in question. However, the particular compositional specifications related to the protein quality were not included in that Directive. This would prevent the continuation of the marketing of these infant formulae.

Some minor drafting modifications were introduced following the discussion.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 335 votes; absent: 10 votes).
4. **Exchange of views and possible opinion on a draft Commission Regulation concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten**

The draft Regulation is submitted on the basis of Article 4a of Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses which provides for the setting of rules for the use of terms concerning the absence of gluten in foodstuffs. Community rules on these products will ensure a high level of protection for consumers intolerant to gluten and facilitate the free movement of the concerned products.

Proper labelling is necessary in order to ensure the correct use of these products by people intolerant to gluten. Therefore, foodstuffs suitable for this group of consumers and marketed as such, should be labelled in accordance with specific requirements provided for in the Regulation.

Some minor drafting modifications were introduced following the discussion.

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


The draft decision was slightly modified following the discussion which took place. It was agreed to include in the specifications that the antraquinons lucidin and rubiadin must not be detectable in the final product.

The SCFCAH 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 Decision authorising the placing on the market of arachidonic acid-rich oil from *Mortierella alpina* as novel food ingredient under Regulation (EC) N° 258/97 of the European Parliament and of the Council**

Following the discussion which took place, the draft Decision was reworded with a view to clarifying its scope, and to specifying that the addition of oil from *Mortierella alpina* to infant formulae and follow-on formulae will be limited by its content of arachidonic acid in accordance with the rules laid down in Annex I, 5.7 and in Annex II, 4.7 of Directive 2006/141/EC. Its use in formulae for premature infants shall be subject to the provisions of Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses.

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

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1 OJ L 186, 30.6.1989, p.27
7. Exchange of views and possible opinion on draft Commission Decisions concerning the lists of permitted claims provided for in Article 13(3) and 14(1) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council

The draft Regulation was submitted to the Committee, pursuant to Article 17(1) of Regulation (EC) N° 1924/2006, following the reception by the Commission of EFSA opinions on 19 August 2008. It was considered thoroughly and, in particular, questions related to compliance with the general principles and conditions of the Regulation, the proposed conditions of use, wording aspects, as well as to the structure of the draft Commission Regulation were discussed.

The Standing Committee did not vote as further discussions were considered necessary.

The question as to whether decisions rejecting claims following negative EFSA opinions should be subject to the regulatory procedure was also discussed, as Article 17 of the Regulation is not specific on that point.

Most of the Member States which expressed a view indicated that negative decisions should be subject to a vote i.e. legislative measure, as the relevant articles refer to "decisions" without distinguishing between positive and negative ones.

A few Member States indicated that an administrative procedure might be possible.

8. Any other business

Scope of Annex IIIa, point 1, letter d) to Directive 2000/13/EC

The German delegation expressed the concern that the wording of Annex IIIa, point 1, letter d) is not clear as to whether the exemption from the obligation to indicate on the labelling the presence of cereals containing gluten also applies to alcoholic beverages when used as an ingredient in the manufacture or preparation of a food.

Germany informed the Committee that the same concern was raised at the last meeting of the Council working group on foodstuffs in the context of the discussions of the Commission proposal for a Regulation on the provision of food information to consumers.

The Commission representative took note of this concern and expressed the view that if it is necessary to clarify the scope of this exemption, it should be addressed in the context of the revision of the EU labelling legislation.