1. **Exchange of views concerning a derogation from the minimum requirements for the voluntary addition of Vitamin D to milk provided for in Article 6 (6) of Regulation (EC) 1925/2006 of the European Parliament and of the Council (requested by Denmark).**

On the basis of a document submitted by Denmark, the Committee held an exchange of views on whether a derogation from the minimum amount for the voluntary addition of vitamin D to milk, as provided by Article 6 (6) of Regulation (EC) No1925/2006, would be appropriate.

Denmark explained that such a derogation from the significant amount of 15% RDA for vitamin D in milk would allow the marketing in other Member States of milk products fortified in accordance with the mandatory fortification program in Sweden. This program requires the addition of 3.8 to 5.0ug of vitamin D to milk with a maximum fat content of 1.5%, corresponding to 7.6 and 10% RDA of vitamin D per 100ml. The Danish delegation explained that this measure was considered necessary following a recommendation by the Danish National Food Institute to improve the vitamin D status in the Danish population.

A few Member States supported the request put forward by Denmark as fortification of milk with vitamin D would be beneficial in those population groups in which the vitamin D status was sub-optimal.

The Commission took note of the comment made by some delegations on the current discussions within the context of the proposal on the provision of food information to consumers on the possible reduction of the significant amount for liquids from 15% to 7.5%, in line with Codex guidelines.

One delegation supported the request by Denmark on condition that scientific evidence was provided to back the proposal. Note was taken of the comment by a delegation to discuss this request at expert working group level in order to tackle all the relevant issues, such as nutrition labelling, food fortification and nutrition and health claims.

The Committee considered this point to be of interest, however it indicated that as the issue was complex it needed to be considered in more depth with respect to the
implications on other legislative measures. Denmark agreed to consider the preparation of a paper that would take into account all the relevant issues.

2. **Exchange of views on a draft Commission Decision authorising a health claim made on food, other than those referring to the reduction of disease risk and to children's development and health.**

As provided for in Article 18(4) of Regulation (EC) No 1924/2006 Member States were consulted on the draft Commission decision authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data. Member States were informed that the evaluation of the proprietary character of the relevant data is still ongoing, following recent exchanges between the Commission and the applicant.

Regarding the wording of the claim, the Commission pointed out that it is necessary to authorise health claims reflecting the scientific evidence, while ensuring at the same time that the consumer can understand the beneficial effect.

Although there were no objections to the principle, a suggestion was made that the scientific evidence part could be presented as a footnote. The choice between 'normal' and 'healthy' blood flow was raised. Another point raised was whether the target group (35-70 old healthy adults) should be reflected in the labelling. Some concerns were also raised about the fact that the validity of the effect may be influenced by pasteurisation.

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. **Exchange of views on a notification (Directive 2000/13/EC) by Greece of draft Decree concerning the display of information on the packaging 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 end consumers, and the obligations of retail sellers on how to display dairy products at point of sales within their stores.**

On 1 June 2009 Greece notified a draft measure requiring *inter alia* that, where certain dairy products are made in Greece, their sealed packaging must have information indicating the origin of the raw material (milk) from which those products are made. The notified measure also sets out in details the minimum content of such information (Article 1(2) of the notified Decree). Where the products in question come from European countries other than Greece or are imported from non-EU countries, their sealed packaging must include information which indicates at the very least the specific country of production of such products (Article 1(3) of the notified Decree). Finally, the draft measure lays down rules concerning the manner in which the above-mentioned indications have to be presented (Article 1(6) of the notified Decree).

The Greek delegation explained that such measure is aimed at protecting the consumer from misleading practices as to the true origin of the milk from which dairy products are made.
Most of the Member States which took part to the discussion 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 in view of a common approach at EU level.

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. In any event, they would like this issue to be discussed in the context of the revision of the EU labelling legislation.

As one delegation drew the attention of the Committee 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. However, under the procedure of Article 19 of Directive 2000/13/EC it is the merit of this measure notified by Greece that has to be assessed.

The Commission took note of the views expressed by the Member States and the Committee was informed that pursuant to the procedure of Article 19 of Directive 2000/13/EC, the Commission will express an opinion regarding this notification by 2 September 2009, taking into consideration this exchange of views.

4. Public access to the papers listed on the SCFCAH Agenda (requested by UK).

Following a question to the Commission by a Member State the Commission informed the Committee that at the moment, when draft measures are uploaded prior to the vote of the Committee on the Register, they are not accessible to the public, unless the responsible Directorate General decides otherwise. However, when applications for access are lodged, the Commission does proceed to a case-by-case assessment in accordance with Regulation (EC) No 1049/2001.

The European Parliament has called the Commission to reconsider its position and to make all draft implementing measures public as soon as they are formally proposed (See point (14) of the EP Report of 3 April 2008 on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC).

The Commission has committed to review the operation of the Comitology Register as regards transparency. One of the ideas that are currently been explored is to reverse the current feature in the Comitology Register. However, the Commission would still be able to keep certain draft measures confidential in certain justified cases pursuant to Regulation (EC) No 1049/2001. This issue is to be further discussed and decided upon taking into account all relevant factors in the coming months.
4A. Exchange of views on classification of enzymes as foodstuff (requested by Germany).

Due to lack of time, the discussion on this point was postponed at a further meeting.


The draft Directive introduces minimum Brix levels for fruit juices, which are used to facilitate the testing for minimum quality requirements, for a list of 18 fruit juices made from concentrate based on the last developments in relevant international standards, in particular the Codex Standard for fruit juices and nectars (Codex Stan 247-2005) and the Code of Practice of the European Fruit juice Association (AIJN).

Several delegations indicated that, while they welcome the draft, they would like to extend the transitional period for the entering into application of the new provisions. The Commission answered that the date of entering into application has already been postponed two times and in order to take into account the last technical developments (from 2005), that date could not be later than 1 January 2011.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 318 votes; against: 27 votes).


The draft Regulation aims at adding five new nutrition claims concerning omega-3 fatty acids, monounsaturated fat, polyunsaturated fat and unsaturated fat to the list of permitted nutrition claims referred to in Article 8(1) of Regulation (EC) n° 1924/2006.

The draft was subject to an exchange of view during the Standing Committee Meeting of 22 June 2009. Following Member States' request for more time to scrutinise the technical aspects of the conditions of use, the Commission held technical discussions in a meeting of a working group on 6 July 2009 and made adjustments to these conditions of use.

Many Member States asked to postpone the vote on the proposal until the next meeting of the Committee. Some still expressed concerns about the conditions proposed and suggested to distinguish short chain from long chain omega-3 fatty acids, or to limit omega-3 related claims to the long chain omega-3 fatty acids. The combined requirement of a minimum of omega-3 fatty acids to be provided by 100g and 100kcal of product was also contested by some Member States, which would prefer the minimum of omega-3 fatty acids to be provided by 100g or 100kcal of product. A maximum for the ratio omega-6/Omega-3 was also proposed as an additional criterion for the claims on monounsaturated fat, polyunsaturated fat and unsaturated fat.
In view of the discussion that took place the vote was postponed to the next meeting of the Committee. However, the Commission drew the attention of the delegations on the urgency to vote on that draft, as the transition provisions allowing the use of certain of these nutrition claims will end on 19 January 2010.


The Commission explained that several comments that had been raised by Member States had been taken into account in the revised Draft Regulation; these changes were presented to the Committee.

A concern was raised by some delegations on the inclusion of nutrient sources such as boron and chromium (III), in the relevant Annex. The Commission explained that relevant opinions adopted by EFSA were favourable and that therefore there was no scientific justification not to include these sources in the Annexes. The Member States were assured that in the context of setting maximum amounts for vitamins and minerals at Community level, special attention would be paid to these nutrients. Member States were also reminded that pending the adoption of Community rules on maximum amounts Member States had the possibility to take appropriate measures at national level.

Italy requested the inclusion of potassium and magnesium aspartate as sources of these minerals, for which a specific derogation has been provided until December 2009, under specific conditions and with a maximum level for aspartate. This request was supported by Austria and Denmark. Taking into account the difficulties highlighted by the Commission on the adoption of a maximum level for the sources of nutrients, Italy, in a cooperative spirit, withdrew its request.

The Committee delivered a favourable opinion by qualified majority (in favour: 277 votes; against: 68 votes)


The document discussed was SANCO/5567/2009 Rev. 1, which was forwarded to Member States.

Several Member States expressed concerns with respect to possible high intake of DHA, when DHA becomes available as ingredient to too many foods. It was clarified in the Annex of the draft Decision that bread and bread rolls were the bakery products in which DHA could be used.

The Committee delivered a favourable opinion by unanimity.

The document discussed was SANCO/5794/2009 Rev. 2, which was forwarded to Member States.

Several Member States expressed concerns with respect to possible high intake of DHA, when DHA becomes available as ingredient to too many foods. It was clarified in the Annex of the draft Decision that bread and bread rolls were the bakery products in which DHA could be used.

The Committee delivered a favourable opinion by unanimity.


The document discussed was SANCO/5310/2009 Rev. 2, which was forwarded to Member States.

The address of the applicant was revised as notified. The table in the annex was amended to reflect specifications as proposed by the applicant.

The Committee delivered a favourable opinion by unanimity.


Upon request of the applicant, in order to allow the consideration of an extension of uses, the item was withdrawn from the agenda.


The document discussed was SANCO/5568/2009 Rev. 2, which was forwarded to Member States.
In the Annex in the specifications the max amount for Coumestrol was rounded from 'not more than' 101 mg/Kg to 'not more than 100 mg/Kg'.

The Committee delivered a favourable opinion by unanimity.


For the sake of clarity a few editorial changes in the recitals and the annex were agreed. In Article 2 the word "seed" was added to the designation to read "Chia (Salvia hispanica) seed" in order to clarify that this novel food authorisation concerns only the seeds of Chia. The last sentence in Article 1 was amended accordingly.

The Committee delivered a favourable opinion by qualified majority (in favour: 325 votes; abstention: 20 votes).

**Any other business**

The Commission informed the Member States about the midday express released by the Commission 14 July 2009 in which it was announced that the European Food Safety Authority (EFSA) has decided to publish its opinions on health claims pursuant to Article 13 of Regulation (EC) No 1924/2006 in several batches, starting by September 2009. The European Commission will thus propose risk management conclusions to the Member States, taking into account this partial assessment of the health claims used on the EU market, as soon as EFSA proceeds with the publications.

*(signed)*

Basil Mathioudakis  
Chairman of the Committee