Chairman: Mr Basil Mathioudakis

1. Discussion on the conclusions of the working group on the Guidance on the implementation of Regulation 2006/1924/EC on nutrition and health claims made on foods

The discussion which took place on the draft Guidance document on the implementation of Regulation 2006/1924/EC on nutrition and health claims made on foods focussed mainly on the following points:

- On comparative claims, numerous Member States expressed concern that a very restrictive interpretation of the food categories mentioned in article 9 of Regulation 2006/1924/EC may not be to the advantage of consumers who could benefit from the possibility of comparing products consumed as alternatives or for very similar uses. On the other hand, it was pointed out that allowing a very large margin of interpretation could lead to potential misleading practices for consumers.

- Regarding the borderline between Article 13 claims and reduction of disease risk claims, it was clarified that statements related to cholesterol on the label of products containing phytosterols/phytostanols and their esters, are legal requirements pursuant to Commission Regulation 2004/608/EC concerning the labelling of foods and food ingredients with such added compounds. These statements, therefore, are not in the scope of the Regulation on claims. In view of the above the specific example mentioned in the guidelines may lead to confusion.

- Regarding claims referring to children's development and health, some Member States expressed the view that claims on products intended exclusively for children should fall in that category. In particular this should be the case for claims used on products for particular nutritional uses intended for infants and young children. However, while this should be considered, it could not be detrimental to the overall consensus on the principle of distinguishing between articles 13 and 14 on the basis of the scientific substantiation.

- Finally, one Member State pointed out that statements which were legal requirements for food for particular nutritional uses were also not falling under the scope of the Regulation on claims and asked for the inclusion of such a clarification in the guidance document.
Given the above, the guidance document will be revisited before being submitted for approval at a further meeting. Member States were invited to provide any comments on the issues discussed in writing as soon as possible.

Information was also provided to Member States about the date of application of the fast track procedure referred to in article 13(5) and 18 of the Regulation. The fast track procedure for the addition of claims based on newly developed scientific evidence and/or which include a request for the protection of proprietary data will be effectively applicable from February 2008 once the national lists of claims provided for in Article 13.1 have been submitted to the Commission.

2. **Exchange of views on a French notification under Article 12 of Regulation 2006/1925/EC on the addition of vitamins and minerals and of certain other substances to foods**

   In accordance with Article 12 of Regulation 2006/1925/EC, France notified a draft national regulation providing positive lists of plants and of substances other than vitamins and minerals, as well as their conditions of use, to be used in food supplements.

   France explained that a simplified authorisation procedure would apply to substances already on the market in other Member States and which are to be introduced on the French market for the first time. France indicated that the same simplified procedure would apply also to substances already present in the French lists, but legally marketed in other Member States with different specifications or under different conditions.

   Consequently, the lists will be updated regularly and the proposed draft should not be considered as rigid.

   In principle the measure received a positive appreciation by a number of Member States, which, however, also expressed the view that the harmonisation of such lists at EU level should be studied. Moreover, some questions were raised on the fact that some of the plants listed in the French draft regulation are classified as medicinal product rather than as foodstuff by some Member States.

   It was concluded that, pursuant to the procedure of Article 12 mentioned above, Member States are invited to send written comment, should they wish so, within two weeks, and the Commission will issue its opinion in due time.

   On request of some delegations, the Commission also informed that the report on substances other that vitamins and minerals, that is to be submitted in accordance with Article 4 Paragraph 8 of Directive 2002/46/EC was delayed due to other priorities, until 2008.
3. **Exchange of views on the Finnish notification of implementing measures of compulsory health warnings/advice on the labelling of alcoholic beverages according to Article 19 of Directive 2000/13/EC**

On 2 May 2007 the Finnish authorities notified an amendment of the Alcohol Act that empowers the Finnish Ministry of Social Affairs and Health to issue further provisions on the content, location, size and of the text of warning labels on alcoholic beverages. On 20 September 2007 the Finnish authorities notified the detailed labelling rules for the warning labelled. The Finnish delegation presented these provisions.

Most of the delegations did not object to the notified measure, though some of them underlined that, while the objective of such measure is justified, multiplying national measures may pose problems for the smooth functioning of the internal market, and asked whether a harmonised EU scheme would not be more appropriate.

It was indicated in that respect that the forthcoming review of the overall food labelling legislation should give the opportunity to discuss that issue.

4. **Exchange of views on the possibility to add vitamins and minerals to Annex I of Directive 2002/46/EC on food supplements without a concomitant introduction of respective sources to Annex II**

Member States have been informed that the Commission has received dossiers on some minerals for evaluation by the European Food Safety Authority (EFSA) in order to add them to Annex I of Directive 2002/46/EC. However, no requests for the evaluation of sources of those minerals to be included in Annex II of the Directive have been submitted.

Taking into account Article 4(1) of the Directive, which states that "only vitamins and minerals listed in Annex I, in the forms listed in Annex II, may be used for the manufacture of food supplements", Member States unanimously shared the position of the Commission that inclusion of minerals in Annex I without a concurrent inclusion of relevant sources in Annex II could lead to confusions for business operators and consumers and should be avoided.

Moreover, it has been noted that the inclusion of a vitamin or a mineral to Annex I of the Directive would not provide any certainty to petitioners on the inclusion of specific sources to Annex II. In fact, the inclusion to Annex II is possible only after the evaluation by EFSA of the safety and bioavailability of the specific vitamin or mineral source.
5. **Exchange of views and possible opinion concerning a Draft Commission Decision authorising the placing on the market of rice drinks with added phytosterols/phytostanols as novel food under Regulation 1997/258/EC of the European Parliament and of the Council**

The draft authorisation of rice drinks with added phytosterols is in line with the opinion of EFSA which concluded that the marketing of the concerned products is not expected to increase the risk of over-consumption of phytosterols, because rice-drinks are considered to be an alternative to soy-drinks and milk based beverages with added phytosterols that are already authorised.

The SCFCAH gave a favourable opinion by qualified majority (in favour: 279 votes; against: 19 votes; abstentions 37 votes; not represented: 10 votes).


Annex IIIa to Directive 2000/13/EC lists food ingredients and substances that are known to be the cause of allergies and intolerances ("common food allergens"). In order to provide all consumers with better information and to protect the health of certain consumers, Article 10 of that Directive requests that those ingredients or substances should always appear in the list of ingredients where they are present in foodstuffs. However, in accordance with the procedure of Article 11 of Directive 2000/13/EC, Directive 2005/26/EC provided for provisional exemptions of the allergen labelling requirements. Those provisional exemptions will expire on 25 November 2007. In that perspective, 22 requests for permanent exemptions were submitted and assessed by EFSA. On the basis of the EFSA opinions, the above Draft Commission Directive establishes the list of permanent exemptions.

The SCFCAH gave a favourable opinion by qualified majority (in favour: 263 votes, abstention, 82 votes).

It is noted that concerns were expressed by Sweden, Denmark and Italy that the protection of persons sensitive to gluten may not be assured with the footnote of the Annex.

7. **Exchange of views and possible opinion concerning a Draft Commission Decision concerning the Greek Notification of 15 May 2007 of a draft decree on compulsory labelling of the origin and production date of frozen dough on the final product**

In accordance with Article 19 of Directive 2000/13/EC, the Hellenic Republic notified on 15 May 2007 a draft decree requiring the compulsory indication of the production date and of the origin of the frozen dough on the label of bakery product made with such dough.
After an assessment of the notified measure and in particular its possible impact on the functioning of the single market, the Commission addressed in August 2007 a negative opinion to the Greek authorities.

A draft Commission Decision requiring the Hellenic Republic to refrain from adopting its draft decree was, therefore, submitted to the Committee, pursuant to Article 19 Paragraph 4 of Directive 2000/13/EC.

The Committee gave a favourable opinion by qualified majority (in favour: 323 votes, against: 12 votes, not represented: 10 votes).

8. Exchange of views and possible opinion on a draft Commission Regulation establishing the conditions for using aluminium oxide for the removal of fluoride from natural mineral waters and spring waters

The Commission informed the delegations that, due to Article 13 of Directive 80/777/EEC on Natural Mineral Waters, it is for the moment not legally possible to adopt implementing rules through comitology in the framework of that Directive, and therefore, to adopt in that way a legal measure establishing the conditions for using aluminium oxide for the removal of fluoride from natural mineral waters and spring waters.

Article 13 will be removed in the framework of the forthcoming codification of Directive 80/777/EEC but that process could not be completed in time for the adoption of the above Commission measures.

Therefore, pending the completion of the codification process, the Commission will submit to the Committee a guidance document establishing the conditions of use of the treatment using aluminium oxide for the removal of fluoride from natural mineral waters and spring waters.

However, in accordance with Article 7 Paragraph 2a of Directive 80/777/EEC and in absence of Community legislation, Member States may adopt national provisions, in accordance with the rules of the Treaty, requesting the indication of the treatment on the labelling of the products concerned.

It was concluded that the Commission will circulate draft guidelines for comments by Member States and will propose the guidelines for approval by the Committee at a future meeting.