1. Exchange of views on an Italian notification (Directive 2000/13/EC) on a draft Decree concerning "Beta carotene in food supplements and in foods containing added vitamins and minerals pursuant to Regulation (EC) No 1925/2006".

Italy notified a draft measure providing that the labelling of food supplements and foods in which beta carotene is used as an ingredient must include the following warning: "Supplementing of the diet with beta carotene is not recommended for heavy smokers (20 or more cigarettes per day)".

The Italian delegation presented the provisions of the notified draft measure. In particular, it pointed out that such measure is based on available evidence indicating a higher lung cancer incidence and overall mortality in smokers that is linked to the ingestion of supplemental beta carotene. Italy also indicated that a transition period of 24 months is foreseen and that the envisaged measure does not apply to products legally on the market of other Member States where their labelling provides to consumers an equivalent level of information.

Most of the Member States which took part to the discussion sympathized with the concerns raised by Italy. However, they expressed the view that this issue should be better addressed in the context of the setting of harmonised maximum amounts of vitamins and minerals for food supplements (Article 5 of Directive 2002/46/EC) and fortified foods (Article 6 of Regulation 1925/2006/EC).

Some delegations indicated that more proportionate measures than a compulsory warning on the labelling regardless of the amount of beta carotene added to foods can be found in order to achieve the objective pursued by Italy.

The Commission took note of the opinions 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 March 2008 taking into consideration this exchange of views.

2. Exchange of views on a draft Commission Decision concerning a draft Decree from Slovak Republic issuing the chapter of the Food Codex of the Slovak Republic regulating fishery products and products made from them.

The authorities of the Slovak Republic notified under Directive 2000/13/EC the draft Decree of the Ministry of Agriculture and Ministry of Health of the Slovak Republic
issuing the chapter of the Food Codex of the Slovak Republic regulating fishery products and products made from them.

In particular, Article 4(8) of the notified Decree provides for the mandatory indication of the method of vacuum packaging on the labelling of fishery products packed under this particular method. Moreover, Article 4(15) requires that the labelling 'salted' or 'savoury' must be specified in or near the name of salted fishery products and products made from them. Pertinent in that respect is Directive 2000/13/EC.

Therefore, the Commission assessed Articles 4(8) and 4(15) of the notified measure in accordance with the procedure laid down in the third paragraph of Article 19 of Directive 2000/13/EC. Since the Slovak authorities have not provided any justifications in support of the envisaged national rules, the Commission gave a negative opinion as regards the adoption of Article 4(8) and Article 4(15) of the notified draft Decree.

Pursuant to the fourth paragraph of Article 20 of Directive 2000/13/EC, the Commission submitted to the Committee a draft Commission Decision requiring the Slovak Republic not to proceed with the adoption Article 4(8) and Article 4(15) of the notified draft Decree.

The Slovak delegation informed the Committee that, following the negative opinion notified by the Commission, it will communicate as soon as possible its intention as to withdrawing or not the relevant provisions.

In view of that, the discussion was not pursued.

3. **Exchange of view concerning 4 possible draft Decisions authorising the use of lycopene as novel food ingredient to certain foods.**

Following the exchange of views at the meeting of the SCFCAH section General Food Law on 23 June 2008, it was proposed to apply the same conditions of use for the 4 requests concerning lycopene as a novel food ingredient.

EFSA had raised concern that "…some users of lycopene products may exceed the ADI…" Therefore, it was considered appropriate that the authorisation of lycopene should be for the requested uses, and, in addition, that the consumption of the authorised lycopene shall be monitored, in order to see whether there are problems associated to high intakes of lycopene. Taking into account the results of this monitoring the Decisions concerning the authorisation of lycopene should be reviewed in 2014.

A great majority of Member States supported this approach in principle.


An exchange of views took place on the basis of a working paper from the Commission, during which many delegations expressed a general view on their approach regarding nutrient profiles.
Concerning the proposed exemptions to comply with nutrient profiles, most of the Member States supported them, while some of them requested additional exemptions, notably for certain products used occasionally such as cough drops.

One Member State asked for a reduction of the milk content required for foodstuffs to be considered as dairy product from the proposed level of 50% down to 40%. Some Member States suggested merging breakfast cereals and biscuits in the same category so that biscuits could benefit from the specific profiles for the category. Higher thresholds for sodium were requested by some Member States, mainly for cheeses, fishery products and bread. Higher saturated fat level was requested for cheeses.

It was pointed out that the nutrient profiles would not result in prohibition of products to be marketed but in restrictions to bear claims. Further, that the proposals put forward was coherent in its principles and that satisfying specific individual requests risked to upset this coherence. The Commission put also forward the idea of foreseeing to review nutrient profiles after a relatively short period, on the basis of the monitoring of claims and of their impact on the market. Member States supported this particular idea.

The Commission took note of the opinions expressed by the Member States and informed the Committee that a further discussion on the technical aspects was foreseen in the working group on claims.


The notifications of the two Member States are made pursuant to Article 23 of Regulation (EC) No 1924/2006 as they concern the use of the "keyhole label" icon, which is a voluntary labelling of foodstuffs in pictorial form which falls under the scope of Regulation on nutrition and health claims.

The Swedish delegation made a brief presentation of the system of the keyhole label.

Some Member States expressed concerns for such system as it would create national nutrient profiles. The Commission and some delegations pointed out that in any case, the "keyhole label", as a nutrition claim, will have to comply with the Community nutrient profiles when they will be established.

The Commission, in accordance with Article 23 of Regulation (EC) No 1924/2006, will adopt an opinion within six months from the date of these notifications.

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

The draft Commission Decision was submitted to the Committee pursuant Article 20 of Directive 2000/13/EC.
The SCFCAH delivered a favourable opinion by qualified majority (in favour: 299 votes; against: 36 votes; abstention: 10 votes).


The draft Regulation aims at submitting to the Standing Committee, in accordance with Article 17 (1) of Regulation N° 1924/2006, draft decisions following adoption and publication by EFSA of a number of opinions on relevant applications for authorization of use of health claims provided for in Article 14(1) of that Regulation.

As the Commission pointed out that some applications raise questions of general interest, an exchange of views took place on the following issues.

On the possibility for a health claim to refer directly to the reduction of the risk of a disease, in the case where a risk factor could not be identified, most of the delegations which expressed views indicated that the legal framework in place, specially the definition of a "reduction of disease risk claim", does not allow for a direct reference to the reduction of risk of a disease.

On the question whether to use a fixed or a flexible wording of the claims most of Member States pointed out their wish to have a fixed wording for health claims referring to disease risk reduction; however, they recognised the need for linguistic adaptations in order to allow consumers across the EU to have the same understanding of the claim.

With regard to the beneficial effect referred to in a health claim, delegations agreed that it should refer to a nutrient or a substance present in the food. A reference only to the trademark or product name would not be acceptable. For example a product that contains plant sterols or plant stanol esters should bear the following claim: "Plant sterols have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease".

Regarding the indication of a quantitative effect in health claims (amount and time frame of a reduction, for example), most of the delegations which expressed a view would not support such possibility, as it could be confusing for consumers where different quantitative effects could be claimed on different foods containing the same substance or substances with similar effect. Some delegations could accept such claims when EFSA consider them to be scientifically substantiated and when there is a request for protection of proprietary data.

Several Member States expressed concerns on the risk of misleading consumers when the term "needed" is used in a health claim for an essential nutrient, as it could give the impression that the food bearing the claim is considered to be necessary. Although in strict scientific terms the term "needed" could be justified, they considered that terms such as "important" could be more appropriate for consumer's perception.

Regarding certain applications, the Commission pointed out that comments from applicants and public were received by the Commission and have been circulated to Member States; it therefore submitted them to discussion in so far as they were sent within
the deadline set out in art. 16(6) of Regulation (EC) No 1924/2006. In that context, the Commission asked for views on the possibility to allow the use of health claims based on a beneficial effect that "might" or "may" occur. Delegations would not support such wording in order to allow the use of a health claim.

Regarding all the issues mentioned above, several delegations indicated that they could be usefully addressed through guidelines.

Some other issues such as the proposed conditions of use, wording aspects, as well as the structure of the draft Commission Regulation were also discussed.

In view of the above discussions it was necessary to review the draft and in consequence the Standing Committee did not vote.

8. **Exchange of views and possible opinion on a draft Commission Decision concerning applications for addition of health claims in the list of permitted claims provided for in Article 13(3) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council.**

The draft Commission Decision is related to two applications for authorisation of health claims, based on newly developed scientific evidence and/or a claim including a request for the protection of proprietary data, as provided for in Article 13(5) of Regulation (EC) 1924/2006.

The Commission sought information as to whether one of the concerned claims are already in use on the market of (a) Member State(s), in order to consider the need for a transitional period in case of rejection at EU level. Delegations were not in position to answer immediately and, for this reason the Standing Committee did not vote.