Chairman: Mr Basil Mathioudakis

All the Member States were present.


The Commission presented the draft Directive which aims at adapting Directive 2001/112/EC to technical progress, taking account of the last developments in relevant international standards, in particular the Codex Standard for fruit juices and nectars (Codex Stan 247-2005) which was adopted by the Codex Alimentarius Commission during its twenty-eighth session on 4 - 9 July 2005 and the Code of Practice of the European Fruit juice Association (AIJN). This draft 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. Considering that these technical rules are not identical to international standard and that they could have an effect on trade, notification to WTO could be necessary before the adoption by the Commission.

Several delegations indicated that, while they welcome the draft, they would have some technical comments. Moreover, they mentioned the need for a transitional period for the entering into application of the new provisions.

Member States were invited to send their comments in writing before the vote at a future meeting of the Committee.

2. **Exchange of views on a notification (Directive 2000/13/EC) by the Netherlands of a draft Decree concerning eel smoked fresh daily 2007, and in particular Article 7 thereof, requiring the mandatory indication of the date of packaging on the labelling of pre-packaged smoked eel**

The Netherlands notified the draft Regulation concerning eel smoked fresh daily, and in particular Article 7 thereof, under the notification procedure of Article 19 of Directive 2000/13/EC.
The Dutch delegation presented the notified measure. They explained that the draft Regulation contains rules for unpacked smoked eel which is offered for sale on the same day on which the smoking process takes place. In particular, Article 7(1) provides that the smoked eel which has not been sold by the end of the day on which the eel is smoked shall be packaged at the end of that day. According to the Netherlands, Article 7(2) imposes *inter alia* that the labelling of the above-mentioned products shall bear, in addition to the mandatory information required for all foods, the indication of the date of packaging.

The Dutch delegation explained that such measure is necessary to allow the authorities in charge of inspections to be able to distinguish directly pre-packaged smoked eel from pre-packaged eel left over from sale of unpackaged smoked eel on the day of smoking. It also indicated that such measure only concerns very local, small-scale production of smoked eel, and will have only a theoretical effect on intra-Community trade.

No objection to the notified draft was raised by the delegations. One of them stated that it is important that consumers are informed about the characteristics of the foods they intend to buy. In particular, they should be able to know the date of production of such products.

The Commission took note and pointed out that all non-harmonised national provisions governing the labelling and the presentation of foods should be justified on one of the grounds listed in Article 18 of Directive 2000/13/EC.

Pursuant to the procedure of Article 19 of Directive 2000/13/EC, the Commission will express an opinion regarding this notification by 18 March 2008 taking this exchange of views into consideration.


The draft Regulations aim at updating the lists of vitamins and minerals included in the Annexes of the above acts, following the assessment of new vitamins and minerals and sources of them by European Food Safety Authority.

While several Member States indicated that they would have technical comments, one of them asked the Commission to take into account the fact that amending Directives through Regulations could result in the legislation concerned being covered by several different acts, adopted at national or EU level.

The Commission took note of these comments and Member States were invited to send their comments in writing in view of finalising the draft and submit it to vote at a future meeting.
4. Exchange of views and possible opinion on a Commission Regulation on the authorisation of health claims made on food and referring to the reduction of disease risk and to children's development and health (Right of scrutiny of the European Parliament under the Regulatory procedure with scrutiny)

The draft Regulation aims at adopting a set of decisions, in accordance with Article 17 (3) of Regulation (EC) N° 1924/2006, authorizing and/or rejecting the use of health claims provided for in Article 14(1) of that Regulation. The draft Regulation concerns 7 health claims for authorisation and 15 for rejection; a draft was first discussed at the Committee meeting of 18 December 2008.

After a new exchange of views, the following conclusions were drawn on the different issues that have been considered.

On the question whether to use a fixed or a flexible wording it was considered that where the wording of a claim has the same meaning for consumers as the one of an authorised health claim, as it demonstrates the same relationship that exists between a food category, a food or one of its constituents and health, such wording should be subject to the same conditions of use indicated therein.

The desirability to indicate a quantitative effect in health claims (amount and time frame of a reduction, for example) was debated taking into account such requests by stakeholders in the case of the sterol/stanol lowering effect of blood cholesterol. The Committee agreed that there is a need for scientific advise from EFSA to ensure that such health claims are authorised in a way which will not mislead the consumer, and that conditions of use are set in a coherent way. Such advice should also take into account that claims quantifying the effect may be used on products with different food matrixes.

In addition, due to concerns expressed by some Member States in relation to the conditions of use for the health claim on essential fatty acids (a-linolenic acid & linoleic acid) and normal growth and development of children, it was agreed that EFSA should be asked to give advice on reference values for the purpose of labelling for these essential fatty acids to enable the review of the conditions of use for the relevant claim as soon as possible.

Once the above mentioned advice is provided there may be a need to review the conditions of use set for some of the health claims which would have been authorized.

Member States considered that many of these aspects and some others should be clarified in guidelines to ensure a correct and uniformed application of the authorised health claims and asked the Commission to develop such guidelines. Member States were called upon to assist on the matter and they gave a positive response.
Authorizing health claims has normally an effect erga omnes (generic effect) and, pursuant to Article 20 of Regulation (EC) No 1924/2006, the list of authorized as well as of rejected claims has to be published in a register for transparency reasons. The purpose is to avoid multiple applications in respect of claims which have already been assessed and subject to the authorisation procedure. Considering that, the Commission expressed its deep regrets that there had been a request for the withdrawal of an application for an authorisation of a health claim addressed to the Commission only a few days prior to the Committee meeting and thus after EFSA had given its opinion and furthermore considered the comments submitted by the applicant on the opinion pursuant to Article 16(6) of Regulation (EC) No 1924/2006. The Commission pointed to the fact that, as the application for authorisation of a claim is made through a Member State, it should be expected that any further request regarding the same claim should be addressed to that Member State. In view of this the inclusion of the claim concerned in the draft was withheld. Based on this the Committee agreed that these rules should be made clearer in the implementing rules as foreseen in Article 15(4) of Regulation (EC) No 1924/2006.

The Committee delivered a favourable opinion by qualified majority (in favour: 333 votes; abstention: 12 votes).

A draft Regulation on the authorization and/or rejection of the use of health claims provided for in Article 14(1) of Regulation (EC) No 1924/2006 concerning the latest EFSA opinions was submitted to the Committee. The draft Regulation concerns 2 health claims for authorisation and 13 for rejection. The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.

5. Exchange of views and possible opinion on a draft Commission Regulation on the authorisation of health claims made on food, other than those referring to the reduction of disease risk and to children's development and health (Right of scrutiny of the European Parliament under the Regulatory procedure with scrutiny)

The draft Regulation aims at adopting a set of decisions, in accordance with Article 18 of Regulation (EC) No 1924/2006, authorizing and/or rejecting the use of health claims provided for in Article 13(5) of that Regulation. It 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. The draft Regulation was first discussed at the Committee meeting of 18 December 2008, which resulted in an amended version to be submitted for vote.

The Committee delivered a favourable opinion by unanimity.

A draft Regulation on the authorization and/or rejection of the use of health claims provided for in Article 13(5) of Regulation (EC) No 1924/2006 concerning the latest EFSA opinions was submitted to the Committee. The draft Regulation concerns 3 health claims for rejection. The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.

The draft Decision aims at authorizing a novel food ingredient, the Ice Structuring Protein type III to be used in edible icess. This authorisation is based on an EFSA opinion, which concludes that, under the conditions foreseen, the use of the Ice Structuring Protein in edible icess is safe.

Some drafting amendments were introduced following the discussion; in particular the full name of the product was "Ice Structuring Protein type III HPLC 12".

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 338 votes; abstention: 7 votes).


Points 7 to 10 were subject to a common exchange of views as the four draft decisions concern the authorisation of lycopene to be used as food ingredient.

These draft Decisions were discussed at the Committee meeting of 18 December 2008.

As the opinion from EFSA points out that there is a risk that some users of lycopene may exceed the Allowed Daily Intake (ADI), the draft Decisions request the companies asking for the authorisation for the use of lycopene as a novel food ingredient to collect and analyse consumption data. In the light of these data EFSA will be consulted and the authorisation Decisions will be reviewed, as appropriate.

It was considered appropriate to set up a single list of uses in all authorisations.

Following the discussion it was concluded that particular attention should be given to the intake levels of lycopene in breakfast cereals and that the use of lycopene in flavoured yoghurts could not be accepted, because flavoured yoghurts are considered to be particularly attractive for children who already have a high intake of lycopene from tomato products.

Relevant amendments were therefore introduced in the drafts in order to reflect these conclusions.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 297 votes; against: 7 votes; abstention: 41 votes).

In order to ensure that the same list of uses for lycopene will be applied in all Decisions, this Decision will replace a previous authorisation which will be repealed.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 297 votes; against: 7 votes; abstention: 41 votes).


Lycopene oleoresin from tomatoes was already used as ingredient in food supplements before the Novel Food Regulation entered into force. Therefore, that use of lycopene oleoresin from tomatoes does not need any further authorization and is therefore not mentioned in the Decision.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 297 votes; against: 7 votes; abstention: 41 votes).


The SCFCAH delivered a favourable opinion by qualified majority (in favour: 297 votes; against: 7 votes; abstention: 41 votes).


Vitamin K 2 (menaquinone) requires authorisation under the Novel Food Regulation (Regulation (EC) No 258/97) before it may be included in the lists of vitamins for the uses covered by Directive 2001/15/EC and Regulation (EC) N°1925/2006. The authorisation is therefore a formal requirement. The assessment was carried out by EFSA which concluded that menaquinone is a new safe source of Vitamin K.
Some drafting amendments were introduced following the discussion.

The SCFCAH delivered a favourable opinion by qualified majority (in favour: 333 votes; abstentions: 12 votes).

**Miscellaneous**

Member States called upon the Commission to ensure that documents for exchange of views and possible opinions are submitted to the Committee in all official languages. The Commission noted the request of the Member States.