STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
SECTION ON GENERAL FOOD LAW

Summary Record of Meeting of 22 February 2008

Chairman: Mr Basil Mathioudakis

All the Member States were present.

Item 1 of the draft agenda (draft proposal for a Commission Regulation amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption) was withdrawn as the working paper to be produced was not available.

1. **Exchange of views on Irish notification (Directive 2000/13/EC) "country of origin of poultrymeat, pigmeat and sheepmeat"**

   Ireland notified 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 Irish delegation presented the provisions of the notified draft measure.

   Most of the Member States which took part to the discussion 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.

   Some Member States expressed concerns about the potential implications of the Irish draft measure on the intra-community trade.

   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 mid March taking into consideration this exchange of views.

2. **Exchange of views on a Czech notification under Article 12 of Regulation (EC) 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods: "requirements for food supplements and the enrichment of foodstuffs"**

   In accordance with Directive 1998/34/EC and Article 12 of Regulation (EC) 1925/2006, the Czech Republic notified a draft Decree "laying down requirements for food supplements and the enrichment of foodstuffs".

   Article 2 (3) and Article 4 (1) and (2) of the notified measure which were identified as falling under the notification provisions of Article 12 of Regulation (EC) 1925/2006 were presented by the Czech authorities and were subject of an exchange of views with the other Member States.
In principle the draft measure received a positive appreciation by a number of Member States, which, however, also expressed the view that the harmonisation of such lists of botanicals for use in foods should be envisaged at EU level.

The draft regulation will be examined in accordance with the procedure of Article 12 of Regulation (EC) 1925/2006. However, the Commission informed the Czech Republic that the specific labelling requirements included in the draft regulation should be notified under the procedure of Article 19 of Directive 2000/13/EC.

3. **Exchange of views on Spanish notification (Directive 2000/13/EC) "draft Royal Decree establishing certain additional guarantees for the manufacture, marketing and labelling of foodstuffs, designed to protect persons with gluten intolerance"**

Spain notified a draft royal decree concerning the conditions of manufacture, marketing and labelling of foodstuffs, designed to protect persons with gluten intolerance. The Spanish draft measure contained, on the one hand, provisions concerning the composition, quality conditions and labelling of foodstuffs for particular nutritional uses intended for coeliacs and, on the other hand, provisions concerning the labelling of any foodstuff where gluten is present either naturally or through accidental contamination.

The Spanish delegation presented the justifications and the provisions of the notified draft.

The Member States which took part in the discussion and commented on the Spanish notification expressed the view that the rules for the use of terms indicating the absence or very low content of gluten should be agreed in the context of a common approach at EU level as soon as possible.

It has been noted that the Commission has already initiated discussions following agreement in the Codex Committee on Nutrition and Foods for Special Dietary Uses (November 2007) on a draft revised Codex standard for foods for special dietary use for persons intolerant to gluten.

Concerning the proposed provisions for mandatory labelling of all foods with "contains gluten" if adventitious contamination results in the presence of gluten above a certain level, most of the Member States who intervened underlined that, while the objective pursued by the Spanish authorities had merit, the proposed measure in itself was disproportionate and would pose problems for the smooth functioning of the internal market.

Some Member States would need to give further consideration to this aspect of the Spanish draft measures and some expressed the view that adventitious contamination and "precautionary labels" is an issue that should be discussed at EU level in the future.

The Committee was informed that pursuant to the procedure of Article 19 of Directive 2000/13/EC, the Commission will express by the 1st May 2008 an opinion regarding the labelling part of this notification, taking into consideration this exchange of views.
4. Exchange of views and possible opinion concerning a Draft Commission Decision relative to a notification of a draft Regulation from the Republic of Finland on health warnings on alcoholic beverages

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

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

5. Exchange of views and possible opinion concerning a draft Commission Regulation establishing implementing rules for the application of article 15 of Regulation (EC) No 1924/2006 of the European Parliament and Council as regards the applications for health claims

The Commission presented the draft regulation and explained that in accordance with Article 15(4) of Regulation (EC) No 1924/2006 it is necessary to establish implementing rules concerning health claims applications submitted in accordance with that Regulation, including rules for the preparation and presentation of applications. The implementing rules should ensure that the applications are prepared in a way which allows the evaluation of the scientific substantiation of the claim by the European Food Safety Authority. To this end the implementing rules stipulate that applications for authorisation of health claims should adequately and sufficiently demonstrate that the health claim is based on and substantiated by generally accepted scientific evidence, by taking into account the totality of the available scientific data and by weighing the evidence.

The Commission indicated that the draft had been discussed with Member States experts in two working group meetings, on 14 January 2008 and 12 February 2008, respectively, in which relevant proposals from Member States to clarify further the text had been agreed.

The SCFCAH gave a favourable opinion on the draft Commission Regulation by unanimity.


The draft decision was slightly modified to take into account the reservations expressed by some Member States at the meeting of 14 December 2008.

The SCFCAH gave a favourable opinion by qualified majority (in favour: 299 votes; against: 7 votes; abstentions 39 votes).