1. Exchange of views on a Draft Commission Regulation amending Regulation (EC) n° 1924/2006 with regard to the list of nutrition claims (Right of scrutiny of the European Parliament under the regulatory procedure with scrutiny).

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.

In its opinion, EFSA underlines that these fats are sometimes under consumed when compared with recommended levels; however, the conditions of use of these claims had to be clarified in order to ensure that these nutrition claims can only be used on foods providing a significant intake in these fats.

Member States welcomed and supported the principle of the draft amendment. As some Member States indicated that they still need time to scrutinise the technical aspects of the conditions of use, the Commission indicated that some technical discussions would take place before the proposal is tabled for vote at the next Standing Committee meeting.

Finally, as certain Member States also requested further amendments modifying the conditions of use of already permitted nutrition claims, and proposing to add other nutrition claims to the list, the Commission indicated that a consultation involving stakeholders and Member States would be initiated on these issues in the near future.

2. Exchange of views on a draft Commission Regulation refusing to authorise certain 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 Commission Regulation was submitted to the Standing Committee, in accordance with Article 18(5) of Regulation (EC) No 1924/2006, refusing to authorise the use of a health claim provided for in Article 13(5) of that Regulation. The application was based on newly developed scientific evidence, as provided for in Article 13(5) of that Regulation.
The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.

3. Exchange of views on a draft Commission Regulation on the authorisation and refusal of authorisation of certain 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 was submitted to the Standing Committee, in accordance with Article 17(1) of Regulation No (EC) 1924/2006; it concerns authorisation following one application and rejection following five applications, of health claims provided for in Article 14(1) of that Regulation.

The draft Regulation will be subject to further discussions and put to the vote of the Committee in a future meeting.

4. Exchange of views on a notification (Directive 2000/13/EC) by Malta of draft Regulations concerning meat products, and in particular paragraph 4(1) and paragraph 5 thereof, requiring the mandatory indication of the country of origin and the date of slaughter on the labelling of meat of porcines, ovines, caprines, equines and rabbits.

On 27 April 2009 Malta notified a draft measure providing *inter alia* that packaged meat products (in the fresh or processed state) shall bear a label indicating the country in which the animal was bred, reared or slaughtered and the date of slaughter. Moreover, the draft measure lays down rules concerning the manner in which those indications have to be presented.

The delegation of Malta explained that such measure is aimed at providing consumers with information regarding the origin of the animals from which the meat contained in meat products was obtained.

Most of the Member States which took part to the discussion pointed out that the consumers attach great importance to information on foods origin. However, they 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 delegations indicated that they do not agree with the approach proposed by Malta 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.

A few delegations expressed support for the Maltese measure which they consider justified to provide consumers with appropriate and complete information about the foods they buy.
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 27 July 2009 taking into consideration this exchange of views.

5. Exchange of views following a request by the UK on the status of certain claims made in relation to infant formula.

A paper on claims made in relation to infant formulae was submitted for discussion by the UK delegation. The issue of the compliance with the relevant legislation of certain health claims appearing on the label of infant formulae in the UK is addressed in that paper as follows.

Article 10(3) of Regulation (EC) 1924/2006 states that reference to general, non-specific benefits of the nutrient or food for overall good health or health-related well-being may only be made if accompanied by a specific health claim included in the lists provided for in Article 13 or 14 of that Regulation.

In the case of infant formulae, Article 13 (6) of Directive 2006/141/EC states that the labelling of these products may bear nutrition and health claims only in the cases listed in Annex IV and in accordance with the conditions set out therein.

Therefore, reference to general, non-specific benefits of the nutrient or food for overall good health or health-related well-being may only be made on infant formulae if accompanied by a specific claim included in the lists provided for in Annex IV of Directive 2006/141/EC.

Similarly, Article 1 (3) of Regulation (EC) 1924/2006 states that a trademark construed as nutrition or health claims may be used provided that it is accompanied by a related nutrition or health claim which complies with the provisions of that Regulation.

Therefore, in the case of infant formulae, such trademark may only be used where it is accompanied by a specific claim included in the lists provided for in Annex IV of Directive 2006/141/EC.

It was noted that in certain Member States food control is decentralised.

One Member State stated that a number of the responsible controlling authorities in that Member State would not have the same interpretation. The Committee noted this position although it expressed its support to the above interpretation by the UK.

5a. Exchange of views on a draft Commission Regulation amending Directive 2002/46/EC and Regulation (EC) 1925/2006 as regards the lists of vitamins and minerals and their forms that can be added to foods, including food supplements (Right of scrutiny of the European Parliament under the regulatory procedure with scrutiny).

The draft Commission Regulation aims at amending the Annexes of Directive 2002/46/EC and of Regulation (EC) 1925/2006 that establish the lists of vitamins and minerals, and for each of them the forms, that may be used for the manufacture of food supplements and added to foods, respectively. Those substances for which EFSA issued a favourable opinion have been added to the lists in the draft.
Clarifications on the recent adoption of several of the EFSA opinions mentioned above, as well as information on the state of play of the derogation provision of Article 4 (6) of Directive 2002/46/EC were provided by the Commission.

It was taken note of the comment by one delegation on the need for a discussion on the use of nano-encapsulation in food supplements.

The Commission noted the comment of one delegation on the need for the inclusion of a footnote to ensure that only authorised sources of menaquinone should be used. However, it was agreed that such a footnote was superfluous as it is the responsibility of Food Business Operators to make themselves aware of and ensure that they comply with all relevant Community food law.

Some Member States expressed concerns about the inclusion in the abovementioned list of boric acid and sodium borate as sources of boron.

The Commission recalled that such issues were already discussed during the SCFCAH meeting of 27 April 2009, when a draft Commission Regulation adding the same sources of boron in the list of substances to be used in dietetic foods received a positive opinion by the Committee. The Commission confirmed that the safety of a substance was a basic criterion for permitting its use, and re-assured Member States that in the exercise of setting maximum amounts for vitamins and minerals which are added to foods including food supplements, which is ongoing, it will pay attention to the maximum amount of boron for which there is a narrow margin between the upper level and the potential intakes in certain Member States.

The draft Regulation will be tabled for an opinion at the next meeting of the Committee.

6. **Exchange of views and possible opinion on a draft Commission Regulation refusing to authorise certain 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 decision, in accordance with Article 17(3) of Regulation (EC) No 1924/2006, refusing to authorise the use of certain health claims provided for in Article 14(1) of that Regulation. The draft Regulation concerns four health claims for rejection; a draft was first presented at the Committee meeting of 27 April 2009.

The Commission took note of the wish expressed by some Member States to have a detailed description of the food constituents for which the use of claim is refused. Such description would facilitate more easily the understanding of the refused claim both for the national enforcement authorities and for the food business operators and will be reflected in the Community Register foreseen by Article 20 of Regulation (EC) No 1924/2006.

The Committee delivered a favourable opinion by unanimity.
7. **Exchange of views and possible opinion on a draft Commission Regulation refusing to authorise certain 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 decision, in accordance with Article 18 of Regulation (EC) No 1924/2006, refusing to authorise the use of a health claim provided for in Article 13(5) of that Regulation. It is related to one application for authorisation of a health claim, based on newly developed scientific evidence and including a request for the protection of proprietary data.

The Committee delivered a favourable opinion by unanimity.

8. **Exchange of views and possible opinion on a draft Commission Regulation amending Regulation (EC) No 353/2008 establishing implementing rules for applications for authorisation of health claims, as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council (Right of scrutiny of the European Parliament under the regulatory procedure with scrutiny).**

The Commission presented the draft Regulation amending Regulation (EC) No 353/2008, which had been first presented at the Committee meeting of 27 April 2009 and was then referred to technical discussions with the Member States.

New Article 7a aims at clarifying the role of national authorities in the control of the validity of applications, regarding the scope as referred to in Articles 15 and 18 of Regulation (EC) No 1924/2006 and regarding the data to be provided as referred to in Article 15(3) of the above-mentioned Regulation. New Article 7b aims at clarifying the rules applicable to the requests for withdrawals of applications for authorisation of health claims.

Following requests for clarification expressed by some Member States regarding new Article 7a, the Commission recalled that the enforcement of Regulation (EC) No 1924/2006 requires that national competent authorities control that the general principles and conditions as set in that Regulation are respected. Therefore, Member States authorities are competent to verify the validity of applications for authorisation of health claims, and as a result, to refuse to forward to EFSA for the scientific assessment applications that appear not to be valid.

Some editorial changes were made to the text circulated to the Member States prior to the meeting.

The Committee delivered a favourable opinion by qualified majority (in favour: 316 votes; abstention: 29 votes).

The draft Decision gave rise to a discussion during which some Member States expressed concerns on possible allergenicity of krill oil that could necessitate labelling requirements to inform consumers.

Some additional questions were raised in relation to the specifications applicable to krill oil.

It was decided to re-examine these issues at the next SCOFCAH meeting.


Some Member States raised questions as to the consistency of the proposed maximum limits with those approved with the authorisation of noni juice.

It was decided to re-examine the issue at the next SCOFCAH meeting.


The draft Decision gave rise to a discussion during which some Member States expressed disagreement with regard to the specific labelling requirement intended for pregnant women.

Several member States indicated that they would be in favour of an additional labelling requirement in relation to the maximum daily intake (10g/day) recommended by EFSA.

It was decided to re-examine the issue at the next SCOFCAH meeting.

Due to lack of time, points 12, 13 and 14 were not discussed.

(signed)
Basil Mathioudakis
Chairman of the Committee