Chairman: Mr Patrick Deboyser

Adoption of the Rules of procedure:

1. Opinion on a draft Commission Regulation concerning the addition of phytosterols, phytosterol esters, phytostanols or phytostanol esters to foods and food ingredients and the labelling of these foods and food ingredients

   The Committee did not proceed to vote since several Member States were not satisfied with the draft Regulation and were uncomfortable with the draft authorisation decisions.

   Some Member States indicated that they consider the adoption of labelling provisions as a pre-requisite for the adoption of any authorisation decision. Several delegations emphasized the need of amending the draft Regulation.

   The Chairman concluded that a new package (labelling and individual decisions) amended in the light of the Member States comments would be submitted for an opinion of the Committee at the next meeting.

2.a) Opinion on a draft Commission decision authorising the placing on the market of salatrims as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

   The Committee delivered a favourable opinion on the draft Decision. The authorisation decision was amended as follows:
   – in the recitals: it shall be clarified: that “high intakes” means “above 30g/day”; and that children are defined as “under 16 years”,
   – in Article 2: the designation to be displayed in the labelling shall be: “reduced energy fat (salatrims)”
   – in the Annex: the Codex specification for salatrims shall be added.

The Committee unanimously delivered a favourable opinion on the draft Commission Directive and agreed that the latest date of implementation by the Member States would be 31 July 2004. The text will be notified to WTO under the TBT Agreement. It is anticipated that the Directive will not be adopted before 3 months.

3. Opinion on a draft Commission Decisions authorizing the placing on the market of yellow fat spreads, salad dressings, yoghurt type products, cereal based bars, beverages, sausages, cold cuts and meat balls with added phytosterols/phytostanols as novel foods or novel food ingredients under Regulation (EC) No 258/97 of the European Parliament and of the Council
See Agenda item 1. above.

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A Commission representative presented the Committee a preliminary draft Directive on additional labelling requirements for certain foods containing glycyrrhizinic acid. The draft was generally welcomed. It however raised a number of both substantial and technical issues. A Working Group will be convened on 23 September to examine the draft in detail.

10. Exchange of views on the revision of Commission Directive 2001/15/EC on substances that may be added for specific nutritional purposes in foods for particular nutritional purposes

Some Member States had asked that the question of the implementation of Commission Directive 2001/15/EC on substances that may be added for specific nutritional purposes in foods for particular nutritional purposes should be considered. Under Directive 2001/15/EC, as of 1 April 2004, products containing substances that belong to the categories of nutrients included in the Annex of the Directive but which are not listed therein may not be marketed. Dossiers on certain substances had been submitted to the Commission but the Scientific Committee on Food (SCF) had not completed the scientific evaluation of all the substances before the end of its mandate in April 2003. One representative informed the Committee that in 1999 they had forwarded to the Commission the opinions of its scientific advisory committee on calcium pidolate, magnesium pidolate, ferrous pidilate, ferrous hydroxide and carnatine-L-tartrate but these were not included in the circulated summary document. The Commission would check the status of the files.

The Committee agreed that the Commission should prepare a proposal to include substances that had received a positive evaluation from the SCF in the Annex of Directive 2001/15/EC and also there should be a derogation on the use of substances for which appropriate scientific dossiers had been submitted to allow the substances to be evaluated by the European Food Safety Authority.

11. Update on so-called “energy drinks”.

The Scientific Committee on Food (SCF) had adopted on 5 March 2003 a further opinion on the ingredients in so-called “energy drinks”. It was noted that the SCF had been unable to conclude on the safety in use of
certain ingredients, namely taurine and glucuronolactone. The Commission would seek the views of the European Food Safety Authority on the studies that might facilitate their evaluation of certain ingredients in so-called “energy drinks”.

12. **Exchange of views on the use of melatonin as a food ingredient before 1997.**

The following Member States have confirmed that melatonin is considered a medicinal product: DK, D, UK, FI, Aus NL, B, P, SV, and Norway.

Finland has however informed the Commission about the existence in their market of a ‘night milk’ containing natural and high level of melatonin sold in food shops. Also Latvia has on the market a ‘night cow milk’ claimed to be very good for health.

In addition to that, Portugal informed the Commission that melatonin is sold via internet.

Melatonin is not allowed as a foodstuff in the Member States. It is considered as a hormone or medicine. Even if Melatonin is considered as a medicinal product, no Member States have so far licensed preparation in their market.

13. **Discussion on National developments in relation to General Food Law Regulation (EC) 178/2002 and in particular traceability.**

Following a suggestion from one member state, all delegations agreed to further discuss implementation issues related to GFL and traceability in a Working Group that will take place in October or November.

14. **Exchange of views on a letter of the 3/04/2003 from a member state concerning the labelling of foodstuffs**

The member state informed the Committee about a case of misleading labelling suggesting that “phenylalanin” is a natural constituent of protein. The Commission and the Committee unanimously condemns this fraudulent practice and shares the view that any non substantiated and unjustified emphasis to any of the constituents of a food product should be avoided and could be an infringement to the relevant Community legislation and in particular Directive 2000/13/EC.

Furthermore, the member state raised a question about the adequacy of the indication of a Mail Box as the producer’s address. It was agreed that this issue will be further discussed in the labelling Working Group in October.

Member States responded to this request and on a ‘tour de table’ informed the Commission services on the progress of transposition of the vertical directives into their national legislation.

UK delegation asked the Commission to carry out two rectifications concerning the Council directive No 2001/110 relating to honey. The Commission representative (DG AGRI) replied that he will communicate this request to the relevant services of DG AGRI bearing the file responsibility.

UK delegation also asked if the Commission intends to bring a proposal updating Commission directive No 79/796/EEC laying down community methods of analysis for testing certain sugars intended for human consumption. Commission representative replied that this issue is examined and the creation of a new proposal is envisaged in the future. However UK is the host country of the Committee on sugars that examines whether the change in method of analysis for the determination of colour may require a change in the specification of colour especially in plantation or in mill white sugar (Codex Standard for sugars, Codex STAN 212-1999). However this development did not take place and the Commission awaits the result of this examination.

Italy referred to the need for a number of rectifications concerning the new vertical directives in question. Commission representative requested that Italy informs the Commission services on these rectifications in order to respond to and do the necessary.

**16. Enlargement : State of play of negotiations and monitoring activities**

Discussion of this item was postponed until the next meeting.

**17. Miscellaneous**

**Adoption of internal rules of procedure :**

Discussion of this item was postponed until the next meeting.