STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH

Section on General Food Law

Summary Record of 7th meeting – November 10th 2003

Chairman: Mr Patrick Deboyser

1. Discussion on a draft Commission Regulation concerning the labelling of foods and food ingredients with added phytosterols / phytostanols (Document Sanco/1725/2003.rev.8)

The Commission explained that the revised draft Regulation only addressed the labelling of foods and food ingredients with added phytosterols / phytostanols.

Several Member States proposed amendments to the revised. These related, in particular to: the title of the Regulation, the fifth recital (to be deleted), Article 1 (scope of the Regulation), Article 2-3 (addition of “exclusively”), Article 2-5 (deletion of “certain sections of the population”), Article 2-6 (delete parenthesis), Article 2-7 (specify “in the same field of vision as 2-3”), Article 2-8 (move to recitals), Article 2-9 (add “with a statement of the amount of plant sterols/stanols contained in each portion”), Article 3 (delete second paragraph).

A new draft would be presented to the next meeting with a view to obtaining a favourable opinion from the Committee.

2. Discussion on the addition of phytosterols / phytostanols to food and food ingredients.

The Commission presented a list of 10 categories of foods and food ingredients where phytosterols / phytostanols are either already added and/or applications under Regulation (EC) N° 258/97 had been submitted.

Several Member States referred to the fact that the Scientific Committee on Food had commented that in order to avoid over-consumption, additional management measures would be useful, such as limiting the range of food to which phytosterols / phytostanols may be added. Objective criteria had however to be developed in order to select those categories of food that would be eligible for the addition of phytosterols / phytostanols and those that would not. It was agreed that it was not appropriate to allow the addition of phytosterols / phytostanols to:

a) food likely to be attractive and consumed by children;

b) drinks, the consumption of which cannot not easily be controlled by way of defined portions;

c) food rich in saturated fats or sugars, which are not appropriate for consumers seeking to reduce their blood cholesterol.
On the basis of these criteria, a majority of the Committee agreed that the addition of phytosterols / phytostanols should not be allowed for following categories:
- bakery products: criteria (a) and (c);
- soft drinks: criteria (a) (b) and (c);
- meat products: criteria (c);
- ice cream: criteria (a);
- candies: criteria (a);
- cereal bars: criteria (a) and (c).

In contrast, the addition of phytosterols / phytostanols to:
- vegetable oil and yellow fat spreads,
- salad dressing and spicy sauces presented in individual portions,
- milk based products
appears to be acceptable.

The Commission will thus amend the draft decisions accordingly and seek opinions from the Committee at the next meeting.

3. Discussion on a draft Commission Decision authorising the placing on the market of sweet corn from genetically modified maize line Bt11 as a novel food or novel food ingredient under Regulation (EC) N° 258/97 of the European Parliament and of the Council

Several Member States indicated that they were not in a position to deliver a positive opinion on the draft decision circulated by the Commission and asked for a number of clarifications in or additions to the draft decision, notably in respect of:
- previous authorizations/notifications;
- method of detection,
- unique identifier,
- entry into the Community Register of GM food.

One Member State was specifically concerned with the molecular characterization of Bt11, and the fact that the applicant had not replied to these concerns. Another Member State indicated that there appeared to be scientific divergence about the type of studies that had to be carried out for the purpose of the safety assessment. Finally, several Member States questioned the opportunity to proceed with the authorization of this product in anticipation of the coming into application of Regulation (EC) 1829/2003 and 1830/2003.

The Chairman indicated that the Commission would review the draft decision in the light of these comments and that a vote would be cast at the next meeting of the Committee.
4. Discussion on:
   a) a draft Proposal for a Commission Directive amending Directive 2001/15/EC on substances that may be added for specific nutritional purposes in foods for particular nutritional uses
   Document Sanco/2492/2003-rev.1
   b) a draft Proposal for a Commission Decision derogating from Directive 2001/15/EC by postponing the application of the prohibition of trade to products containing certain substances added for specific nutritional purposes.

The Commission introduced the legislative proposals that would add to the Annex of Directive 2001/15/EC the chemical substances that had received a positive scientific evaluation and would provide a derogation for Member States to allow the use of certain substances under evaluation by the European Food Safety Authority, in view of their inclusion in the Annex of the Directive, until such evaluation is completed. There followed a brief exchange of views. The Commission highlighted that the measures would need to be transposed into national legislation by 31 March 2004 at the latest. It was agreed that the Commission would circulate by electronic mail revised draft(s) for comments from Member States. The finalised draft(s) would be presented for adoption at the next meeting.


Some modifications were introduced in the wording of the draft Directive, with a view to clarify the labelling provisions. The Committee expressed a favourable opinion on the text, as modified, by qualified majority. Germany voted against because it would have preferred maximum levels of glycyrrhizinic acid being established.

The Directive will be adopted by the Commission after information of the European Parliament and notification to the WTO (TBT/SPS).

6. a) Report on the discussions of expert working group on labelling

An expert working group on labelling had met on 23 September 2003. Member States had been invited to transmit their views and comments on the need to require in the labelling of food obtained from animals an indication of colours used in the feed for the purpose of colouring the said food. There had also been a discussion on the need to include in the labelling of deep-frozen and thawed products a warning that these products should not be frozen again; a draft Commission Directive will be prepared for consideration at the next expert group, to be convened in the beginning of 2004.
b) Discussion on the addition of water poultry meat

The Commission had written to the Member States on 23 October 2003 to draw their attention to Article 5(1)(b) of Directive 71/118/EEC on fresh poultry meat. This Article provides that “agents used specifically to promote water retention are prohibited [in poultry meat] as well as any quantity of poultry meat obtained in technologically similar conditions and likely as a result to present the same risk”. Products “bulked up” in this manner are not compliant with Community law and cannot be renamed and placed on the market as “meat preparations” or “meat-based products” because such an interpretation would simply allow circumvention of the ban imposed. In addition, according to the Commission, the use of such “bulked-up” meats in the preparation or manufacture of meat-based preparations or products is also prohibited, because it would involve using as a raw material a product which had been banned from being placed on the market.

Those Member States who intervened in the discussion indicated that they needed more time to consider the legal implications and the practical consequences of the Commission interpretation. Further clarification from the Commission would also be welcome. The Chairman invited Member States to transmit any relevant information or further consideration of this matter and indicated that it was likely that the Commission would address a communication to the Member States in order to underline and clarify the provisions concerned and request their enforcement by Member States.

7. Discussion on six draft Commission Decisions authorising the placing on the market of various food and food with added phytosterols / phytostanols as novel foods or novel food ingredients

Document SANCO/02807/2003/rev.3
Document SANCO/2808/2003/rev.4
Document SANCO/02809/2003/rev.3
Document SANCO/02764/2003 rev.3
Document SANCO/02765/2003 rev.3
Document. SANCO/02766/2003 rev.3

See Agenda item 2. above

8. Information on European Commission requests to EFSA

The Commission had circulated, for information, all Commission requests to EFSA for scientific opinions, within the mandate of this Section of the Committee. This initiative was welcomed by the Committee. Clarification on the deadlines set for delivering the opinions was provided by a representative of EFSA.


Discussion of this item was postponed until the next meeting.
10. Discussion and possible opinion regarding a co-ordinated control programme for the year 2004.


The Commission consulted the Committee on a draft Commission Recommendation regarding a co-ordinated programme for the official control of foodstuffs for 2004.

In this proposal the Member States are invited to carry out inspections and controls including, where indicated, taking samples with the aim of:

- assessing the bacteriological safety of cheeses made from raw or thermised milk;
- assessing the bacteriological safety of fresh refrigerated poultry meat as regards thermophilic Campylobacter;
- assessing the bacteriological and toxicological safety of spices.

Concerning the element of the programme on bacteriological safety of cheeses made from raw or thermised milk, the Committee agreed that this investigation will be followed up on next year to cover, in particular, other categories of cheeses and the results analysed and provided at the same time with a view to the Commission obtaining a general overview in this sector.

The proposed co-ordinated control programme 2004, with some minor modifications, received the unanimous support of the Committee.

11. Request of brix data on fruit juices in relation to the next session of the Codex Adhoc Task Force on fruit juices.

The representative of the Commission (DG AGRI) requested from MS to supply available data on brix values of fruit juices for the remaining juices for which a brix value was not yet fixed in the standard. This request followed the demand by Codex from Codex members to supply this data in order to conclude the works of the committee. He also informed MS that the European Association of Fruit Juices Producers AIJN requested from its members their collaboration with MS authorities in this matter and a list of all members available to supply existing data on brix values was handed in.

Member States did not place any comments.


The representative of the Commission DG AGRI asked MS to present their views in relation to two problems that concern the reconstitution and composition of the aroma to pineapple and orange juice. These two problems had been explained in the relevant documents that had been sent to the MS in relation to this agenda point. The representative of the Commission referred firstly to the practically difficult reconstitution of pineapple aroma to pineapple juice in order to restore the initial aroma...
and secondly the existence of a small content of peel oil in orange juice which does not come from the endocarp.

In particular the representative of the Commission DG AGRI informed MS that intends to examine in more detail the application of point I.1(b) of Annex I of Council Directive 2001/112/EC relating to fruit juices intended for human consumption as a result of this point (raised by the European Association of fruit juice producers (AIJN). An evaluation of this rules' application will be undertaken in order to come up with an interpretation note that will be applied for fruit juice aroma recovery and it will clarify these issues.

UK welcomed the initiative of the Commission and stated that they are aware of the existing problem of pineapple aroma recovery due to the sensitivity of this aroma that can be easily oxidised and when added to fruit juice it can give a very bad taste to the pineapple juice in question. It also added that the existence of peel oil in orange juice should be looked in but it cannot be an issue of creating new adhoc rules on this matter.

The rest of Member States placed no comments.

13. Miscellaneous:

a) Austrian notification on honey.

Austria had notified to the Commission a legislative measure including a mandatory warning on labels that honey should not be given to children under the age of 12 months. Members States were invited to comment on this measure and on the reason given for the proposal by Austrian authorities (prevention of infant botulism and allergenicity).

b) Draft on a general plan for food and feed crisis management

Section 3 of Chapter IV of Regulation No 178/2002 envisages new methods of risk management in the field of food and feed, including the adoption of a general plan for food and feed crisis management to be established by the Commission in close cooperation with EFSA and Member States. A preliminary draft “general plan” was distributed to Member States for information. The Commission services informed the Committee that the document in question was still in interservice consultation and that a final draft would be sent to Member States for a formal consultation at a later stage.