
Some Member States put forward suggestions for clarifications and changes, notably in respect of urgencies, the period for the transmission of documents, the scope of the new section on “genetically modified food and feed and environmental risks”.

Concerning the composition of national delegations and the participation in the meetings, the Commission explained that the rules entitle the Chairman to object to the participation of an expert only for practical reasons, for example in order to limit the number of experts, if necessary, and not for reasons related to the quality or competences of an expert.

The Committee agreed that the principle of confidentiality applies as to the different national positions and that Member States delegations may inform the public on their own positions but not on those of other countries.

The Chairman took note of the Member States’ remarks with a view to informing other sections of the Committee with a view to adopting the rules.

2. **Opinion on a Draft Commission Decision authorising sweet corn from genetically modified maize line Bt11 as a novel food.** Document SANCO/4421/2003-rev.2

The Committee did not deliver an opinion on the draft authorisation Decision since no qualified majority was reached. 6 Member States voted in favour of the draft Decision; 6 voted against and 3 abstained on grounds linked to:

- the molecular characterization of Bt11,
- scientific divergence about the type of studies that had to be carried out for the purpose of the safety assessment,
- advisability of proceeding with the authorization of Bt11 in anticipation of the coming into application of Regulation (EC) 1829/2003 and 1830/2003.

The Chairman indicated that the Commission would be invited to submit a proposal to the Council in accordance with the Regulatory procedure. The
Council can either adopt or reject the proposal with qualified majority. If no decision is taken after three months, the Commission can adopt the measures envisaged.

3. Opinion on a Draft Commission Regulation concerning the labelling of foods and food ingredients with added phytosterols/phytostanols/
   Document SANCO/01725/2003-rev.9

   The Committee adopted a favourable opinion by qualified majority (74 votes in favour, 3 votes against, 10 votes abstention). The Chairman announced that the draft Regulation would be notified to WTO under the TBT agreement and was likely to be adopted and published by the Commission in March 2004.

4. Authorization of phytosterols/phytostanols
   a) Opinion on a draft Commission Decision authorising the placing on the market of yellow fat spreads, yoghurt type products, milk type drinks, and spicy sauces with added phytosterols/phytostanols as novel foods or novel food ingredients under Regulation (EC) N° 258/97.
      Document SANCO/02808/2003-rev.5
   b) Opinion on a draft Commission Decision authorising the placing on the market of yoghurt type and milk type food with added phytosterol esters as novel food ingredients under Regulation (EC) N° 258/97.
      Document SANCO/02765/2003-rev.5
   c) Opinion on a draft Commission Decision authorising the placing on the market of yellow fat spreads, salad dressings, milk type and fermented milk type products, with added phytosterols/phytostanols as novel foods or novel food ingredients under Regulation (EC) N° 258/97.
      Document SANCO/02807/2003-rev.4
   d) Opinion on a draft Commission Decision authorising the placing on the market of yellow fat spreads, soft cheese type products, yoghurt type products and milk based fruit drinks with added phytosterols/phytostanols as novel foods or novel food ingredients under Regulation (EC) N° 258/97.
      Document SANCO/02764/2003-rev.4

   The Committee was asked to consider four decisions authorizing the placing on the market of foods enriched with phytosterols/phytostanols meeting the criteria that were agreed upon at the previous meeting, on 10 November 2003.

Discussion on this item continued at the meeting of 12th December.

At the request of a Member State, the Chairman indicated that, in the view of the Commission, the simplified procedure based on substantial equivalence (notification procedure) could not be used to extend the range of food that can be enriched with phytosterols/phytostanols; this interpretation was based on the current interpretation of the concept of ‘substantial equivalence’ as regards foods
derived from modern biotechnology, both at Community and international level (Codex Alimentarius).

It was further suggested that, within two years from the adoption of decisions, the Committee should review the evolution of the market of foods with added phytosterols, phytostanols and their esters with special emphasis on the individual daily intakes of these substances and whether the products are reaching the target group, people who try to control their elevated blood cholesterol, and to what extend other population groups are using foodstuffs with added phytosterols/phytostanols. This was accepted by the Commission and the Committee.

The Committee delivered a favourable opinion by qualified majority (79 votes in favour, 8 votes against) on the four draft decisions presented by the Commission.

Several Member States requested the Commission to reject other applications under discussion and to consider what action could be undertaken in order to ensure that only products in the three categories identified at the Committee meeting on 10 November 2003 as being eligible for the addition of phytosterols/phytostanols would remain on the market. One Member State, whilst agreeing with the set criteria for determining the food categories in which phytosterols may be added, indicated that it was important to evaluate the applications on a case-by-case basis, taking into account the request as defined in each individual application and especially the nutritional profile of the applied product groups.

5. Substances that may be added for specific nutritional purposes

a) Opinion on a Draft for a Commission Directive derogating from Article 3(b) of Directive 2001/15/EC on substances that may be added for specific nutritional purposes in foods for particular nutritional uses. Document SANCO/5144/2003

b) Opinion on a Draft for a Commission Directive amending Directive 2001/15/EC by including new substances in the list of substances that may be added for specific nutritional purposes in foods for particular nutritional uses. Document SANCO/5143/2003

Discussion on this item continued at the meeting of 12th December. The draft Directives that had been discussed during the 8 December meeting had been revised to take into account the opinions of the Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food of the European Food Safety Authority on calcium sulphate, N-acetyl-L-cysteine, N-acetyl-L-methionine. The Commission services noted additional technical corrections to the draft Directives.

The Committee delivered a favourable opinion on the draft Directives.
6. Discussion on a Draft Commission Recommendation on the implementation of Articles 5, 8, 17 and 20 of Regulation (EC) No 1829/2003 on genetically modified food and feed.

Discussion on this item was cancelled.

7. Honey

a) Discussion on an Austrian notification on labelling of honey

Following the procedure of notification of technical rules (Directive 98/34), Austria has notified a national labelling measure to inform consumers that honey must not be eaten by children younger than 12 months. Austria justified this measure by the risk of botulism and the potential for allergenicity to babies. Denmark has adopted a similar measure due to the risk of botulism. Several Members States reaffirmed that in this case, consumer education (particularly mothers via doctors) is the most useful and consistent approach. The general view was, therefore, that a Community measure is not envisaged. If Austria, as Denmark, can justify a particular sanitary risk, they can adopt this national measure. This labelling requirement should nonetheless be notified according to Directive 2000/13 in order to apply to all products, including those from other Members States.

b) Discussion on a question from the French authorities concerning labelling of honey according to Directive 2001/110/EC

The Commission representative gave the following answers to the questions raised by the French authorities:

- The floral origin: The text of the Directive on honey was designed to develop the botanical origin of honeys and only one floral origin is the aim of this development. The denomination of honey with two or several floral origins is covered by Annex I paragraph 2 point a)i) of Directive 2001/110/EC and provides for the “blossom honey” or “nectar honey” denominations.

- The denomination “thousand flowers honey”. Subject to checking by the Legal Service of the Commission, the terms “thousand flowers honey” or “all flowers honeys” are not provided for by the Directive on honey. From this point of view, the terms indicated in the preceding point are the only valid ones “blossom honey” or “nectar honey”. Nevertheless, these terms could possibly be supplemented with denominations provided for by the directive on labelling such as “thousand flower honey” or “all flowers honey”.

8. Miscellaneous