STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH

Section on General Food Law

Summary Record of 13th meeting – 26th October 2004

Chairman: Mr Basil Mathioudakis

1. Opinion on a Draft Commission Regulation (EC) N° .../.. of ... laying down detailed rules for the implementation of Regulation (EC) N° 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority’s mission.

The proposal received a favourable opinion by a qualified majority of Member States. One Member State (Italy) abstained from the vote.

2. Opinion on a draft Regulation on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs for human consumption.

Following a brief discussion the Committee agreed on some minor modifications to the text. The modified proposal received a favourable opinion by all Member States.


The Commission presented the draft text. Several Member States requested further clarifications on the document. Consequently the draft was not put to a vote.


The Commission presented the status quo on the labelling of fruits and vegetables treated after harvesting.

During the exchange of views, few Member States expressed a position in favour of labelling post harvesting treatments (Germany, France, Denmark and Ireland).

The Commission regretted that a limited number of Member States expressed views on this issue and noted that this will make the reflection on how to proceed with this subject more difficult.
5. **National implementation measures of Directive 2002/46/EC on food supplements - Obligation to notify under Directive 98/34/EC provisions establishing upper levels for vitamins and minerals.**

The Commission reported to have received complaints from several associations of food supplement manufacturers saying that some Member States adopted measures concerning food supplements without notifying them at a draft stage under Directive 98/34/EC.

A Commission representative explained the scope of Directive 98/34/EC that lays down a procedure for the provision of information in the field of technical standards and regulations. According to this directive, the Member States are under the obligation to notify to the Commission and to the other Member States at a draft stage any technical specification of a product or any other requirements imposed on a product which affects its life cycle after its placing on the market. Such technical regulation must be notified at a draft stage. From the day of notification, the notifying Member State has to wait three months before it finally adopts the text. During this period, other Member States and the Commission may issue a detailed opinion or comments. There is also an obligation of notification when national measures go beyond pure and simple transposition of a Community directive. This can be the case when a directive may be implemented through measures which can differ from one Member State to another or when uniform provisions of a directive can be supplemented by rules which are of purely national origin.

According to the Commission, in the case for Directive 2002/46/EC on food supplements, Member States have the possibility to provide for maximum levels for vitamins and minerals on their national level (Article 11.2) until such limits are set at Community level (Article 5). However, since these provisions go beyond a pure and simple transposition of the Community Directive on food supplements, they should have been notified at a draft stage under Directive 98/34/EC.

The Commission noted that France was the only Member State so far to have notified in November 2003 a relevant draft order. The Commission invited the other Member States to verify whether national measures transposing Directive 2002/46/EC included provisions that should have been notified. If that would be the case, the Commission would invite them to take the necessary steps to comply with the obligations under Directive 98/34/EC.

In the discussion that followed several Member States (Belgium, Denmark, Greece, Italy) affirmed that during the procedure of transposition of the directive 2002/46/EC they referred to maximum amounts of vitamins and minerals that were established in the past according to pre-existing national legislation (Belgium added that the provisions in question were notified in the past at a draft stage under Directive 83/189/EEC). Other Member States (Spain, Luxembourg) assured the Commission that they would look into the matter in order to ensure compliance with the Community rules. Cyprus asked if new Member States which adopted their transposition measures before their accession were also under an obligation to notify their draft texts. The Commission representative answered that Directive 98/34/EC
applied to the new Member States only as of accession. Legal acts adopted before that date had not to be notified.

The Commission representatives indicated that they will carefully analyze any particular case. However, they reminded that the European Court of Justice decided several times that national measures that fall in the scope of Directive 98/34/EC and that were not notified at a draft stage are not applicable and enforceable against third parties.

6. Presentation of Circa (creation of a website information network for the members of the SCFCAH)

CIRCA (Communication & Information Resource Centre Administrator) is a web based collaborative tool strengthening on-line services for working groups and committees.

The Commission presented a new Interest Group (IG), the private workspace around which CIRCA is organised, called Food Law Operating Procedures (FLOP) created with the aim to move toward a paperless system for the exchange of documents supporting the activities of two Standing Committees (General Food Law and Traceability and GMO Food and Feed and Environmental Risks) and the related working groups. This Interest Group will contain all the relevant documentation to support the work of these committees, the list of past and forthcoming events and the relevant links to existing information available on the DG SANCO web site, useful for the arguments discussed within committees/working groups. Moreover, it will allow users to be automatically notified about new/modified information, to participate in discussion fora on specific topics and to send messages to other members of the IG.

The FLOP IG is accessible at the following web address:
https://forum.europa.eu.int/Members/irc/sanco/flop/info/data/flop.htm

Being a private workspace, all information between the user (client) and the central system (server) is encrypted with SSL (Secure Socket Layer). CIRCA requires user authentication, hence users need to be registered on the system. For this reason, all Member States have been invited to provide the list of users for which an access to CIRCA has to be granted.

7. Miscellaneous

a) Ban on the use of water retention agents in poultrymeat.

The Commission presented a staff working document in order to clarify Community legislation regarding the use of water retention agents in poultrymeat. Directive 71/118/EEC forbids the use of water retention agents in fresh poultrymeat. Moreover, poultrymeat preparations and products must be made from fresh meat not treated with water retention agents and added water. On the contrary, the use of water retention agents is permitted during the process of production of poultrymeat products and preparations but fresh poultrymeat thus treated can not be used as an ingredient. The Commission reminded that the product description (fresh meat, preparation...) must not be misleading (for example a meat preparation must not be sold as fresh meat). The Commission also pointed out that any ingredient used in meat preparations and products must be mentioned in the list of ingredients, under the rules laid down in Directive 2000/13/EC, including water retention agents.
Member States requested to postpone the discussion on this item to the next meeting in order to have the time to evaluate the working paper presented by the Commission.

b) Marketing of a blended product of honey under the name of honey
A Member State presented a request to discuss the case of a supplier commercializing a blended honey product under the name of honey. The Committee agreed to add this point on the agenda of next Committee meeting.