Chairman: Mr Basil Mathioudakis

The agenda was adopted.

1. Exchange of views and possible opinion on Draft Commission Directives amending the Annex to Directive 2001/15/EC as regards the inclusion of certain substances

In its meeting of 2nd December 2005, the Commission had proposed a Draft Commission Directive in order to update the annexes of Commission Directive 2001/15/EC to include additional sources of vitamins and of a new mineral to the list of nutritional substances that may be used in the manufacture of certain categories of foods for particular nutritional purposes.

Following the discussions that took place in that meeting (see minutes of SCOFCAH meeting of 2 December 2005) and in order to avoid unnecessary delays for the inclusion of certain additional sources of vitamins and minerals in the Annex of Directive 2001/15/EC, two draft Directives were forwarded to the Committee, each concerning the inclusion in the Annex of different sets of substances as follows:


The Committee delivered a favourable opinion on this Draft Commission Directive unanimously.


The Chairman informed the Committee that the German authorities provided to the Commission the opinion of the Federal Institute for Risk Assessment (BfR) on the addition of boron and of some of its sources to food supplements issued on 16 November 2005. Given the discussion that had taken place regarding the inclusion of boron and its sources in the Annex of Directive 2001/15/EEC and in order to allow for consideration of the above scientific opinion submitted by the German authorities by the European Food Safety Authority the draft Commission Directive was not discussed further.

In its meeting of 2nd December 2005, the Commission had proposed a Draft Commission Directive including provisions to add new sources of vitamins and minerals to the annexes of Commission Directive 2002/46/EC following their positive evaluation from EFSA. As the situation was the same as for the modification of the annexes of Directive 2001/15/EC, the Commission split the Directive in two documents.

Following the discussions that took place in that meeting (see minutes of SCOFCAH meeting of 2 December 2005) and in order to avoid unnecessary delays for the inclusion of certain additional sources of vitamins and minerals in Annex I and II of Directive 2002/46/EC two draft Directives were forwarded to the Committee, each concerning the inclusion in the Annexes of different sets of substances as follows:


The Chairman informed the Committee that the German authorities provided to the Commission the opinion of the Federal Institute for Risk Assessment (BfR) on the addition of boron and of some of its sources to food supplements issued on 16 November 2005. Given the discussion that had taken place regarding the inclusion of boron and its sources in Annex I and II of Directive 2002/46/EC and in order to allow for (further) consideration of the above scientific opinion submitted by the German authorities by the European Food Safety Authority the draft Commission Directive was not discussed further.

The Committee unanimously delivered a favourable opinion on the draft proposal as presented by the Commission.

4. Exchange of views on boundaries between the different foodstuff categories

The Committee, on the request of Finland, exchanged views on the distinction between conventional foodstuffs with added vitamins and food supplements and in particular on the classification of “candies-like” products containing vitamins.

Several Member States affirmed that they classify “candies-like” products containing vitamins as fortified foods and not as food supplements. In fact, they consider that food supplements should be clearly distinguishable from normal foods, therefore they should not be marketed in a traditional food form.

Other Member States instead consider that a case-by-case approach, taking into account all the characteristics of the products, including the presentation and the vitamins content, is necessary in order to correctly classify these products.

The Chairman noted that currently rules regarding food to which vitamins are added are not harmonised at EU level and this may be a cause for different marketing strategies by different operators. A proposal for a Regulation on the addition of vitamins and minerals to foods is under discussion in view of its adoption by the European Parliament and the Council. Further, he noted that a complaint on such a case has been received and is presently under consideration. Therefore, some of the problems highlighted in the exchange of views might possibly find a solution.

In view of the above the Committee may have to come back to this issue at a future stage.

5. Miscellaneous

The Commission informed the Committee of a letter from the German Minister of Agriculture related to recent fraud cases in the meat sector in Germany and the need to reinforce the provisions requiring information of the competent Authorities through mandatory notification.
During a preliminary exchange of views, several Member States agreed to the need to examine the provisions for notification to the competent Authorities which are laid down by Article 19 of General Food Law (GFL). Other Member States questioned the efficiency of a possible revision of Article 19 to address fraud issues and underlined that other legal requirements (criminal law) are necessary to achieve that objective.

Member States have been invited to examine the issue further and to send their comments by mail or e-mail to the Commission.

The German delegation questioned if postal services should be considered as a food business operator according to Article 3, paragraphs 2, 3 and 16 and should therefore apply related requirements (registration of establishments, of parcels containing food products etc).

The Commission agreed that, from a legal point of view, the transportation of food products by postal services appears to be covered by the definitions of "food business" and "food business operator" as laid down in Article 3, paragraphs 2 and 3 above mentioned.

However, some Member States raised the issue of the feasibility of traceability requirements for the transport of foodstuffs by operators which are not necessary aware of the content of the products they transport.

The Commission has indicated that this issue will be further examined within the Member State working group on GFL.

The Belgian delegation raised the issue of a fruit juice containing stanol esters which has been commercialised in one Member State and is going to be marketed in another Member State. The Belgian delegate reminded the Committee that the companies which had products on the market containing stanol esters respected the Decisions authorising the addition to foods of phytosterols/phytosterol esters, i.e. in most Member States only such foods with stanol esters were introduced for which the addition of phytosterols/phytosterol was authorised in the EU. For other foods with added stanol esters already on the market in some Member States they did not introduce them in other Member States. In particular this type of ingredients was not added to fruit drinks in the EU. Member States had expressed great concern about the addition of these ingredients to "soft drinks". Belgian asked for a common approach on the situation and that the problem would be faced thoroughly.

Other delegations expressed their concern on the situation and asked for a clear response from the Commission.

The chairman assured the Member States that this situation is of great concern to the Commission and that it will take action very soon to clarify the situation.