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Health and Food Safety Directorate General

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Standing Committee on Plants, Animals, Food and Feed

Section *General Food Law*

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SUMMARY REPORT

A.01 Exchange of views of the Committee on a German notification of a draft on the labelling of foodstuffs with the husbandry form of the animals from which the food was obtained (animal husbandry labelling law – TierHaltKennzG) (2022/0693/D).

The German authorities presented the draft act on the labelling of food of animal origin with the husbandry of the animals from which the food was obtained, which had been notified to the Commission and to other Member States on 15 December 2022 within the framework of the notification procedure under Article 45 of Regulation (EU) No 1169/2011. The draft act had been also notified on 14 October 2022 under the notification procedure laid down in Directive (EU) 2015/1535[1]. The German authorities explained that the notified draft measure provides for the mandatory labelling of the type of animal husbandry for prepacked fresh unprocessed meat of fattening pigs from Germany, and for the voluntary labelling of prepacked fresh meat of fattening pigs reared, or slaughtered or dissected abroad, and of food produced or handled in other Member States or third countries. The German authorities noted that the act provides for five different types of husbandry, including organic production, according to the available space for the animals, and their contact with the outdoor climate. The German authorities also elaborated on the administrative and substantive requirements for the labelling of meat produced in other Member States.

During the subsequent discussion, some Member States inquired about the information provided to consumers via the QR code, as foreseen in the draft act. The German authorities clarified that the QR code will lead to a website of the German authorities, which will provide the definitions of the indications on the label. The website will not contain promotions, advertisements, evaluative information, or further information on animal welfare and will not collect users' data.

Following a question from another Member State, the German authorities clarified that the provisions of the draft act do not apply to foods of German origin that are not placed on the German market and which are intended for exports to other Member States.

[1] Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

One Member State asked about the timeline for the extension of the application of the draft act to other meats, and the timeline for the adoption of the Commission proposal on animal welfare. The German authorities replied that following the adoption of the draft act, the German authorities intend to commence working on the extension of its scope to processed pig meat, and pig meat offered in restaurants. A Commission representative replied that the Commission is currently conducting an Impact Assessment on animal welfare labelling, no decision has been taken yet, and if the Commission decides to act, the proposal will be presented at Q4 2023. Another Member State expressed its sympathy for the German initiative, but highlighted its preference for harmonised rules at EU level. Finally, another Member State asked for clarifications on the Commission's decision to issue blocking decisions during the assessment of national notifications. A Commission representative replied that all notified national measures are assessed on a case-by-case basis.

The Commission took note of the comments made and informed that the assessment of the notified draft is ongoing.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 307/2012 as regards certain procedures for the Union assessment of the safety of a substance or group of substances under scrutiny.

The draft Commission Implementing Regulation aims at amending Regulation (EU) No 307/2012 establishing implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods. Article 8 provides for a procedure whereby the Commission may decide, on the basis of an opinion by EFSA, to prohibit, restrict or place under Union scrutiny a substance for which safety concerns have been raised. The purpose of the amendment is to ensure efficiency of the safety assessments by EFSA of the substances under union scrutiny listed in Part C of Annex III to Regulation (EC) No 1925/2006 by allowing EFSA to consider the totality of the safety data submitted by different interested parties for the assessment of the same substance and issue a single opinion. During the exchange of views, no comments were raised on the draft measure. The Commission informed the delegations of its intention to obtain the vote on this draft Commission Regulation by written procedure.

Vote taken: Favourable opinion.

M.01 Request from Belgium and Denmark – on the application of the labelling requirement for green tea extracts containing (-)-epigallocatechin-3-gallate.

Belgium raised the question about the applicability of the labelling requirements set in the Annex of Regulation (EU) 2022/2340 on green tea catechins to green tea extracts containing (-)-epigallocatechin-3-gallate (EGCG) in very small amounts. Belgium also asked whether the measure applies to food to which green tea extracts containing EGCG are added for flavouring purposes.

The Commission explained that Regulation (EU) 2022/2340 and therefore all labelling requirements set in its Annex apply to all green tea extracts containing (-)-epigallocatechin-3-gallate regardless of the EGCG content of the extract. With regard to the question on the addition of the substance for flavouring purposes, the Commission explained that flavourings do not fall within the scope of Regulation (EU) 2022/2340, because its legal basis, namely Regulation (EC) No 1925/2006 applies

without prejudice to the Union legislation concerning flavourings. As Regulation (EC) No 1334/2008 on flavourings provides for the safety of flavourings placed on the EU market, its provisions prevail over Article 8 of Regulation (EC) No 1925/2006. The Commission further explained that Regulation (EC) No 1925/2006 and Article 8 thereof regulate only the addition of substances for nutritional and physiological purposes and therefore the scope of the measure covers only the use of the substance for nutritional or physiological purposes, without regulating other possible uses, such as the addition of the substance for flavouring purposes.

M.02 Request from Spain – for an update on the status of the revision of the Regulation on Food Information to Consumers.

The Commission explained that an impact assessment is currently in preparation, involving a wide-ranging evidence and data gathering exercise. The Commission further explained that robust evidence is key before the Commission takes a decision on the most appropriate way forward and that this is where the Commission is now concentrating its efforts.

Regarding front-of-pack nutrition labelling, one Member State mentioned that they might consider taking action at national level in the absence of a harmonised approach.

M.03 Request from Austria – on health claims for probiotics in food supplements by France.

Austria asked France to provide more information concerning their recent decision to allow health claims for probiotics on food supplements and for Member States' views. France explained that following complaints from the industry, a letter was sent by the French Ministry of Economy (DGCCRF) to the National Union of Food supplements (SYNADIET), by which they allow the use of the term probiotic on food supplements as a category denomination. France also provided details regarding the definition, conditions of use, the wording to be used and obligations for operators when the term is used. A Member State mentioned that they do not allow the term to be used on food products, however there are several food supplements on their market coming from many different countries bearing this term. The Commission explained that the EU rules regarding the use of the term probiotic are clear. The use of the term is considered a health claim and it is currently prohibited to use the term probiotics in the EU market, as no health claims have been authorised so far. The Commission also explained that in cases where the labelling of food products marketed in the EU is found to not be in line with the EU rules, Member States should put in place measures to ensure their conformity with the EU rules. Two more Member States expressed their views, one mentioning that it allows the use of the term under certain conditions and the other that it agrees and follows the Commissions' line and that they would like to further discuss and exchange views with the Member States on this topic in a working group.