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HEALTH AND CONSUMERS DIRECTORATE-GENERAL

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**SUMMARY REPORT OF THE
STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED
HELD IN BRUSSELS ON 17 OCTOBER 2014
(Section General Food Law)**

CIRCABC Link: <https://circabc.europa.eu/w/browse/dc978f1b-9aee-4f28-b318-5dbaf2444c44>

A.01 Exchange of views of the Committee on two notifications in accordance with Article 23 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on foods from Denmark (2014/0306/DK) and Sweden (2014/0315/S) on "Keyhole Label".

On 30 June 2014 the Danish authorities notified a draft Decree laying down new rules on the use of the keyhole label. On 4 July 2014, the Swedish authorities notified a draft Decree on the same subject. The notifications of the two Member States were made pursuant to Article 23 of Regulation (EC) No 1924/2006 on nutrition and health claims.

The Swedish delegation made a brief presentation of the system of the keyhole label. A Member State raised the question of compliance of the criteria of the keyhole label vis-à-vis the nutrient profiles referred to in Article 4 of Regulation (EC) No 1924/2006. Other Member States raised questions about the rationale to prohibit foods containing sweeteners or phytosterols/phytosterols to bear this logo.

Sweden answered that the keyhole criteria would be aligned with the EU nutrient profiles, once set. Regarding the prohibition for foods containing sweeteners to bear the logo, Sweden answered that the reason was the risk for consumers to get used to the sweet taste and that this prohibition was not part of the new provisions but already existed in the previous versions of the Decree. On the prohibition for foods containing phytosterol/phytosterols to bear the logo, Sweden answered that the keyhole was targeting the general public, while foods containing phytosterol/phytosterols should not be consumed by certain population groups, such as children.

The chair concluded that besides these questions, no objections were raised by Member States.

The Commission, in accordance with Article 23 of Regulation (EC) No 1924/2006, will adopt opinions within six months from the date of these notifications.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Directive 2002/46/EC of the European Parliament and of the Council as regards (6S)-5-methyltetrahydrofolic acid, glucosamine salt used in the manufacture of food supplements.

The draft Regulation aims at including the substance, (6S)-5-methyltetrahydrofolic acid, glucosamine salt, in Annex II to Directive 2002/46/EC and thereby permitting its use in the manufacture of food supplements. The substance has received a favourable scientific assessment by the European Food Safety Authority (EFSA).

Concerns were raised by a Member State on the inclusion of (6S)-5-methyltetrahydrofolic acid, glucosamine salt in Annex II to Directive 2002/46/EC as there is no maximum amount for glucosamine. The Commission reminded the Committee that the authorisation of sources of vitamins and minerals is not an appropriate means of limiting the use of these nutrients in the absence of harmonised maximum amounts.

Finally, as some Member States had pointed out that an indication for the absence of mycotoxins would not be relevant to the safety assessment of the substance, the Committee agreed with the Commission's proposal to delete both the footnote to Article 1 and Recital 5 of the draft Regulation.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards Ephedra species and Yohimbe (*Pausinystalia yohimbe* (K. Schum) Pierre ex Beille).

The Commission explained that this draft Regulation aims at including two substances (*Ephedra* species and Yohimbe (*Pausinystalia yohimbe* (K.Schum) Pierre ex Beille)) in Annex III to Regulation (EC) No 1925/2006 and that it is the first measure that will regulate substances under Article 8 of Regulation (EC) No 1925/2006.

One Member State did not agree with applying the procedure under Article 8 of Regulation (EC) No 1925/2006 to these two substances as it considers that this could create confusion as to the status of other botanical substances. Another Member State questioned the novel food status of the Yohimbe (*Pausinystalia yohimbe* (K.Schum) Pierre ex Beille) and asked for a discussion to be held during the next novel food working group meeting. The Commission explained that under the procedure of article 8 consideration of this substance was accepted because evidence was presented that products containing Yohimbe were on the market of one or more Member States.

Some Member States expressed concerns about including Yohimbe (*Pausinystalia yohimbe* (K.Schum) Pierre ex Beille) in Part C (Union scrutiny) rather than in Part A (prohibition) of Annex III. The Commission clarified that for Yohimbe (*Pausinystalia yohimbe* (K.Schum) Pierre ex Beille), the provisions of Article 8 (2) (b) were applicable and therefore, it should be placed under Union scrutiny for a period of 4 years.

The Commission explained that as mentioned in Recital 9 of the draft Regulation, during this period of Union scrutiny and pending a decision on whether to allow the use of the substance or to place it in Part A or Part B of Annex III to Regulation (EC) No 1925/2006 at the end of the scrutiny period, national provisions regulating the use of Yohimbe (*Pausinystalia yohimbe* (K.Schum) Pierre ex Beille) in food will still apply.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.

This draft Commission Regulation was submitted to the Standing Committee in accordance with Article 18(5) of Regulation (EC) No 1924/2006. This draft measure aims at refusing to authorise the use of three health claims foreseen in Article 13(5) of that Regulation. The applications were based on newly developed scientific evidence and for all of them the applicants requested the protection of proprietary data, as provided for in Article 13(5) of the same Regulation.

The Commission presented the draft and no comments were raised on any of the health claims included therein.

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) refusing to authorise certain health claims made on foods and referring to the children's development and health.

This draft Commission Regulation was submitted to the Standing Committee in accordance with Article 17(3) of Regulation (EC) No 1924/2006. It aims at refusing to authorise the use of three health claims referring to the children's development and health, pursuant to Article 14(1)(b) of Regulation 1924/2006. The European Food Safety Authority (EFSA) gave an unfavourable opinion to this claim and accordingly they should not be authorised. The Commission presented the draft and the health claims therein.

There were no comments or observations by the delegations.

Vote taken: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of *Clostridium butyricum* (CBM 588) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission representative presented the draft Implementing Decision to authorise *Clostridium butyricum* (CBM 588) as a novel food ingredient. UK request to minute the following statement to the minutes of the Committee: The UK understands the company intends to establish a scheme for monitoring adverse effects as part of its corporate responsibility as is the case for a number of other novel ingredients.

Vote taken: Favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of chia oil (*Salvia hispanica*) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission representative presented the draft Implementing Decision to authorise chia oil (*Salvia hispanica*) as a novel food ingredient. EL raised concerns about potential allergenicity of the oil and would have liked to include additional labelling provisions.

Vote taken: Favourable opinion.

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of methyl vinyl ether-maleic anhydride copolymer as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission representative presented the draft Implementing Decision to authorise methyl vinyl ether maleic anhydride copolymer as a novel food ingredient. EL expressed its view that to designate the novel food only the chemical name should have been permitted.

Vote taken: Favourable opinion.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision correcting the Annex to Commission Implementing Decision 2014/154/EU authorising the placing on the market of (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission representative presented the draft Implementing Decision to correct the specifications of (6S)-5-methyltetrahydrofolic acid, glucosamine salt.

Vote taken: Favourable opinion.

C.01 Exchange of views of the Committee on a draft Commission Regulation authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012.

As provided for in Article 18(4) of Regulation (EC) No 1924/2006 Member States were consulted on a health claim on carbohydrates and the recovery of normal muscle function contraction after strenuous exercise, which was submitted pursuant to Article 13(5) of that Regulation, and which received a favourable assessment by the European Food Safety Authority (EFSA).

The Commission presented the draft Regulation and some Member States raised concerns. Some of the concerns related to the conditions of use of the claim while others related to the target population of the claim. In particular, one Member State requested that the restrictions of use for this claim clearly state that *"foods bearing this claim are not to be used by children"*, while another Member State preferred a wording which would state that the claim is targeted *"exclusively"* to adults.

The Commission explained that on the basis of the EFSA opinion it would be very difficult to set different conditions of use or to restrict the target population of the claim to exclude children from its scope. Following further exchanges, reference in the restrictions of use of the food that the food is *"intended for adults"* would appear to be acceptable.

Further to this exchange of views, the Commission will continue with the authorisation of this claim.

C.02 Exchange of views of the Committee on a draft Commission Regulation refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.

As provided for in Article 18(4) of Regulation (EC) No 1924/2006 Member States were consulted on five health claims on glucose and energy-yielding metabolism, which were submitted pursuant to Article 13(5) of that Regulation, which received a favourable assessment by the European Food Safety Authority (EFSA).

The Commission presented the draft regulation and recalled Member States' reservations with respect to the authorisation of these claims. Despite EFSA's positive scientific assessment, these claims (targeting the general population) were considered as not complying with other requirements of Regulation (EC) 1924/2006. In particular, it was considered that the use of such health claims would convey a conflicting and confusing message to consumers, because it would encourage consumption of sugars for which, on the basis of generally accepted scientific advice, national and international authorities inform the consumer that their sugar intake should be reduced.

Following the exchange of views, there was consensus on the draft Commission Regulation.