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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 Belgian notification of a draft Ministerial Decree amending the Ministerial Decree of 22 December 2021 regarding the manufacture and marketing of food supplements containing substances other than nutrients and plants or plant preparations (2022/400/B).

On 9 June 2022, the Belgian authorities notified a draft Ministerial Decree amending the Ministerial Decree of 22 December 2021 regarding the manufacture and marketing of food supplements containing substances other than nutrients and plants or plant preparations, under Article 45 of Regulation (EC) No 1169/2011 on food information to consumers as well as under Article 12 of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain substances to foods. The Belgian authorities presented the notified draft measure that sets out conditions of use as well as mandatory labelling requirements with respect to food supplements composed of or containing sources of monacolin K other than those regulated by Regulation (EC) No 1925/2006. During the subsequent discussion, two Member States noted that harmonised EU rules that extend to the use of monacolin K from all sources could be considered.

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

A.02 Exchange of views of the Committee on an Irish notification of a draft Public Health (Alcohol) Regulations 2022 setting up the details for the obligation under section 12 of the Public Health (Alcohol) Act 2018 (2022/441/IRL).

The Irish authorities presented their draft Public Health (Alcohol) Regulation 2022 notified on 21 June under Article 45 of Regulation (EU) No 1169/2011 on food information to consumers (FIC Regulation) and under Directive (EU) 2015/1535 on the Single Market Transparency (SMTD).

The Irish authorities explained that the draft aims at addressing an information gap which exists in Ireland regarding the impact of alcohol consumption on health. In Ireland, alcohol consumption is seen as part of cultural identification. The new information targets all consumers of alcoholic beverages, and not over-drinkers. Labelling is the most economical and effective way to inform Irish consumers which is proportionate to the health objective.

A Commission representative clarified that there are two procedures running in parallel, one under the FIC Regulation for what concerns health warnings and one under Directive (EU) 2015/1535 for what concerns the mandatory indications already harmonised at EU level (energy value and alcohol content).. The Commission has until 22 September 2022 to react for both procedures.

While supporting the Irish objective to protect public health, some Member States expressed concerns on the potential impact of the measure on the internal market and on the induced costs for producers and importers, stressing their preference for EU harmonised measures, in particular in light of the Europe Beating Cancer Plan announcement on health warnings. Some of those Member States asked for the postponement of the Irish measure, questioned the scientific justification provided by Ireland to justify their measure and/or considered that providing the alcohol content in grams in addition to the percentage in volume as required by the FIC Regulation would be confusing for consumers and in conflict with the FIC Regulation.

One Member State supported the Irish draft as considered justified on public health ground.

A.03 Supply issues in the EU food sector due to Russia’s invasion of Ukraine and related labelling challenges: exchange of information with Member States.

Two Member States provided the state of play of their national approach related to the labelling of food products affected by the Russia’s invasion of Ukraine.

A.04 Update on the state of play of the revision of the Food Information to Consumers’ Regulation (EU) No 1169/2011.

A Commission representative provided an update on the state of play of the ongoing work regarding the revision of the Food Information to Consumers (FIC) Regulation in the area of front-of-pack nutrition labelling / nutrient profiles, origin labelling, date marking and labelling of alcoholic beverages (list of ingredients and nutrition declaration). The progress towards the finalisation of the Commission’s Impact Assessment (IA) for the revision of the FIC Regulation was presented, including the finalisation of the external study and stakeholder consultation activities, as well as the publication of the scientific input from EFSA and JRC.

One Member State asked whether the Commission intends to use the same nutrient profile to underpin front-of-pack nutrition labelling as for the restriction of nutrition and health claims on foods, and whether they will be introduced at the same time or in a preferred order. The Commission explained that the options for front-of-pack nutrition labelling and for the setting of nutrient profiles to restrict claims have been paired, as outlined in the Inception Impact Assessment (IIA).

Following questions from two Member States, the Commission explained that the impact assessment will be published together with the Commission legislative proposal and further clarified the timeline for a consumer behavioural study on digital labelling expected for Q4 2022. In reply to a Member State question, the Commission clarified that the revision of the date marking rules concerns the general rules in the FIC Regulation, as was defined in the inception impact assessment, and do not concern the specific date marking rules for eggs.