



EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

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**SUMMARY REPORT OF THE
STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED
HELD IN BRUSSELS ON 09 JUNE 2015
(Section General Food Law)**

CIRCABC Link: <https://circabc.europa.eu/w/browse/ef36fc2d-9166-43b8-8306-705196568efb>

A.01 Exchange of views of the Committee on a Belgian notification (2015/162/B) of a draft Royal Decree amending the Royal Decree of 29 August 1997 on the manufacture and trade of foods composed of or containing plants or plant preparations.

On 3 April 2015, the Belgian authorities notified under the procedure of Article 45 of Regulation (EU) No 1169/2011 and of Article 12 of Regulation (EC) No 1925/2006 a draft Royal Decree amending Royal Decree of 29 August 1997 on the manufacture and trade of foods composed of or containing plants or plant preparations.

The Belgian delegation presented the draft measure that amends the Annex to the Royal Decree of 29 August 1997 with regard to the list of dangerous plants that must not be used as or in foods, the list of edible mushrooms, and the list of plants that are subject to notification if in pre-dosed form.

The Belgian delegation explained that in the list of plants subject to notification if in pre-dosed form, only those plant parts with traditional and safe uses are permitted and that for various plants, maximum levels and/or mandatory warnings (to be included in the labelling) are required, which are necessary to protect public health and for consumer information. The Belgian delegation further explained that a request may be submitted for a safety assessment of those plants or plant parts that are not listed in the Annex.

During the exchange of views, the large majority of the Member States strongly emphasised the importance of EU harmonisation in the area of plants and their preparations to ensure the safety and quality of such food products in the EU. In this context, they urged the Commission to undertake the work necessary to tackle this issue and to address the legal uncertainty that currently exists in this area.

Certain delegations proposed the use of the procedure under Article 8 of Regulation (EC) No 1925/2006 for plants and their preparations, as in that way the safety

assessment of the European Food Safety Authority (EFSA) could be used as a basis for eventual EU harmonisation of such substances.

Some delegations sought clarifications on the application in practice of the mutual recognition principle. In reply, the Belgian delegation explained that the mutual recognition principle will apply to products that are lawfully marketed in another EU Member State.

The Commission reminded the Belgian delegation that the Commission requested certain clarifications from the Belgian authorities and that the standstill period laid down in Article 45 of Regulation (EU) No 1169/2011 and in Article 12 of Regulation (EC) No 1925/2006 will start only after receipt of these clarifications in writing.

In accordance with the procedure laid down in Article 45 of Regulation (EU) No 1169/2011 and of Article 12 of Regulation (EC) No 1925/2006, the Commission will express its opinion regarding this notification taking into consideration this exchange of views.

A.02 Exchange of views of the Committee on a Romanian notification (2015/152/RO) of a draft Order of the Ministry of Agriculture and Rural Development and the Ministry of Health with regard to the preparation, processing and marketing of medicinal and aromatic plants used on an “as is” basis, which are partially processed or processed as pre-dosed food supplements.

On 31 March 2015, the Romanian authorities notified a draft Order of the Ministry of Agriculture and Rural Development and the Ministry of Health with regard to the preparation, processing and marketing of medicinal and aromatic plants used on an “as is” basis, which are partially processed or processed as pre-dosed food supplements.

The Romanian delegation presented the draft measure (that regulates the preparation, processing and marketing of medicinal and aromatic plants used on an “as is” basis, which are partially processed or processed as pre-dosed food supplements) and explained that the draft measure includes *inter alia*, lists containing those plants and their parts that are not permitted to be used in food supplements, those species of algae, lichens and fungi which are permitted to be used in food supplements and those species of plants which are permitted to be used in food supplements if subject to pre-dosing.

During the exchange of views, the large majority of the Member States reiterated their views regarding the importance of EU harmonisation in the area of plants and their preparations to ensure the safety and quality of such food products in the EU, as during the discussion on point A.01. Furthermore, the question on the application of the mutual recognition principle was discussed again and the Romanian delegation clarified that this principle would apply to products that are lawfully marketed in another EU Member State.

The Commission reminded the Romanian delegation that the provisions of the draft measure must be notified under the relevant EU legal provisions (Article 12 of

Regulation (EC) No 1925/2006 and Article 45 of Regulation (EU) No 1169/2011) and that the respective standstill periods of 6 and 3 months will start only after such notification has been done.

In accordance with the procedure laid down in Article 45 of Regulation (EU) No 1169/2011 and of Article 12 of Regulation (EC) No 1925/2006, the Commission will express its opinion regarding this notification taking into consideration this exchange of views.

A.03 Presentation of a common audit/fact finding activity of DG SANTE and DG MARE on traceability and labelling of fishery products including traceability and labelling of additives (FVO).

The Commission presented its forthcoming audit project on traceability and labelling of fishery products. Starting with a pilot audit at the end of 2015, Member States' control systems on consumer information and traceability as regards fishery products will be examined in a holistic manner, covering the application of health and consumer information rules as well as of rules under the common market organisation for fish and aquaculture products. The project will continue in 2016 and lead to an overview report in 2017, which should serve as a basis for exchanges of best practice between Member States, also in the framework of the BTSF programme.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation refusing to authorise certain health claims made on foods and referring to 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 (EC) No 1924/2006. The European Food Safety Authority (EFSA) gave an unfavourable opinion to these health claims 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.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation refusing to authorise a health claim 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 one health claim foreseen in Article 13(5) of that Regulation. The application was based on newly developed scientific evidence

and the applicant 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.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of heat treated milk products fermented with *Bacteroides xylanisolvens* (DSM 23964) as a novel food under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission representative presented the draft Implementing Decision authorising the placing on the market of heat treated milk products fermented with *Bacteroides xylanisolvens* (DSM 23964) as a novel food.

One Member State proposed that a reference to the methods of analysis concerning the presence of viable cells should be added to the specification.

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of refined oil from the seeds of *Buglossoides arvensis* 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 authorising the placing on the market of oil from the seeds of *Buglossoides arvensis* as a novel food ingredient.

Vote taken: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising extension of uses of flavonoids from *Glycyrrhiza glabra* L. 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 an extension of uses of flavonoids from *Glycyrrhiza glabra* L. as a novel food ingredient.

Some Member States raised concerns on the increasing number of requests to use novel food ingredients in foods for particular nutritional uses (e.g. food for special medical purposes, or total diet replacement for weight control). Member States questioned the need to use these ingredients in these foods and raised the concern that authorisations or extensions of use under the novel food Regulation could be used as a marketing tool.

The Commission explained that decisions to be adopted under the Novel Food Regulation must be based on the criteria laid down in that Regulation, and that flavonoids from *Glycyrrhiza glabra* L. comply with the criteria of the Novel Food Regulation. It noted that other pieces of EU food law would also apply to the foods containing such ingredient. The Commission referred in particular to the specific rules applicable to foods for particular nutritional uses (to be replaced in the future in the framework of Regulation (EU) No 609/2013), which require the products to have a composition that is suitable for their intended purpose and the legislation on nutrition and health claims, which require all claims to be authorised and based on and substantiated by generally accepted scientific evidence. National competent authorities are responsible for the correct application of all the relevant rules of EU food law to these foods.

Two Member States proposed to restrict the use of flavonoids only to products presented as a replacement for the whole of the daily diet. Therefore, the following sentence in brackets "only for products presented as a replacement for the whole of the daily diet" was added to the food category "Foods intended for use in energy-restricted diets for weight reduction". Due to the changes in the food category, the phrase "per portion" was taken out from the column of maximum content of flavonoid.

One Member State also proposed to delete the phrase "per portion" from the maximum content of flavonoid of the food category "Dietary foods for special medical purposes". In addition, the specifications were adapted to be in line with a previous authorisation decision on flavonoids.

The Committee accepted these proposed changes.

Vote taken: Favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision on the adoption of the work programme of the Commission for the years 2016 and 2017 and on the financing of the Union contribution to the European Union Reference Laboratories.

The item has been withdrawn from the agenda.

M.01 Presentation of the Fact Finding Missions on Food Supplement Controls.

The Commission presented the outcome of a series of fact finding missions carried out by the Food and Veterinary Office in five Member States of the European Union between January 2013 and June 2014.

The objective of the series of missions was to gather information regarding the control systems in place for Food Supplements, in particular, the implementation of requirements of Directive 2002/46/EC on the approximation of the laws of the Member States relating to food supplements.

The overview report would be published in the following weeks.