EUROPEAN COMMISSION

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

The Commission presented the state of play since the last meeting of this Standing Committee and informed the Committee about the discussion that took place with stakeholders in the context of the advisory group on the food chain and animal and plant health on 6 May 2022. The Committee was also informed about a meeting that took place in May between Commission services and Fediol, the EU vegetable oil and protein meal industry association, who informed that the situation is stabilising and is not as critical as expected at the beginning of the crisis.

Two Member States presented the state of play of their national platform put in place in this context to inform consumers about oil replacement in specific food products in the absence of updated labels. One of them further explained that monthly meetings with the food industry are taking place to closely follow the situation and determine whether the provisional measures need to be extended or stopped. The other Member State informed that two provisional measures are being considered at the request of the food industry to provide more labelling flexibilities in the listing of vegetable oils as ingredients.

Two other Member States called for the adoption of harmonised measures at EU level.

The Commission concluded by clarifying that any envisaged measure, even if provisional, has to be examined in light of the FIC Regulation provisions.

A.02 Exchange of views of the Committee on an Austrian notification of a draft Regulation on the obligation to indicate the origin of meat, milk and eggs as a primary ingredient in packaged foodstuffs (2022/0338/A).

Austria presented their draft measure notified on 10 May 2022 on the obligation to indicate the origin of meat, milk and eggs as a primary ingredient in packaged foodstuffs. The notification was submitted under Regulation (EU) No 1169/2011 on food information to consumers (FIC Regulation) and under Directive (EU) 2015/1535 on the provision of information in the field of technical Regulations.

During the subsequent discussion, three Member States raised concerns relating to the timing of the notification of the draft measure, in view of the ongoing Commission's initiative on origin labelling. Two other Member States expressed their support for the notified draft measure, but highlighted that harmonised origin labelling rules across the EU are preferable to national measures.

The Commission 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 Regulation (EU) authorising a health claim made on foods and referring to the reduction of disease risk.

The Commission presented the draft Commission Regulation concerning a health claim related to the consumption of a combination of substances, contained in a specific product, Limicol®, and the reduction of blood LDL cholesterol. Among the combination of substances covered by this claim is monacolin K for which EFSA recommended a daily consumption of 2 mg in combination with other substances, in order to achieve the beneficial effect. It was recalled that following safety concerns raised by some delegations to proceed with the authorisation of a claim on such substance, it was decided to suspend the authorisation procedure and to resume it once the Article 8 procedure of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods would be completed. Commission Regulation (EU) 2022/860 amending Annex III to Regulation (EC) No 1925/2006 as regards monacolins from red yeast rice was adopted on 1 June 2022. The Regulation prohibits the addition to foods or use in the manufacture of foods of monacolins from red yeast rice at levels of 3 mg per portion and above of the product recommended for daily consumption. As a result, the authorisation procedure for this health claim is relaunched.

Two Member States expressed concerns about the authorisation of this health claim, as one of the food constituents which is the subject of the claim is monacolin K from red yeast rice, for which a daily intake not giving rise to concerns for human health could not be set as well as because this substance is under Community scrutiny, according to Regulation (EU) 2022/860. The Commission explained that according to Regulation (EU) 2022/860, the prohibition concerns the use of the substance only at levels of 3 mg and above and that the food constituent which is the subject of this health claim contains the substance at the level of 2 mg. Regarding the scrutiny period of four years, the Commission clarified that should new data emerge on the safety of this substance, these will be assessed accordingly. Another Member State considered that additional labelling provisions for all foods containing monacolin K from red yeast rice should be required. The Commission explained that all additional requirements in relation to the use of this substance are addressed in Regulation (EU) 2022/860 and apply to all foods, irrespectively to the use of health claims. Finally, a proposal for a small amendment to the text was made by one Member State. The Commission informed the Member States that the written procedure for the vote will be launched once the internal procedures are finalised.

Outcome of the vote by written consultation: Favourable opinion.

M.01 Request from France on the application of the provisions of the Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain to studies, for which data protection has been requested, and with regards to the studies submitted in support of the application for the authorisation of a health claim related to Limicol® and reduction of blood LDL-cholesterol concentrations.

The Commission explained that as the provisions of the Transparency Regulation became applicable as of 27 March 2021, they do not apply with regard to studies submitted before its entry into force, including the studies submitted in support of the application for authorisation of the claim in question.

The Commission also noted that the scientific data and information supporting requests for authorisation, including requests for authorisation of health claims, which have been submitted after 27 March 2021, have to be made publicly available in a proactive manner and be easily accessible in line with the provisions of the Transparency Regulation. However, this disclosure to the public is without prejudice to any rules concerning intellectual property rights or to any provisions of Union law protecting the investment made by innovators in gathering the information and data supporting relevant applications or notifications.

Applicants may request certain parts of the information submitted to be treated as confidential in accordance with Article 39(2) and (3) of Regulation (EC) No 178/2002. Such request must be accompanied by verifiable justification that demonstrates how making public the information concerned significantly harms the interests concerned in accordance with Article 39(2) and (3) of Regulation (EC) No 178/2002.

M.02 Update on the Commission's work on setting maximum amounts of vitamins and minerals in fortified foods and food supplements.

The Commission explained that, following requests by Member States to propose the adoption of maximum amounts (MA) of vitamins and minerals in fortified foods and food supplements, the Commission resumed its work in 2020.

The Commission has set up a task force, consisting of representatives of 9 Member States and Norway, in order to support policymaking in relation to setting maximum amounts. The task force has already met six times to discuss a common model for the setting of maximum amounts. The task force members also identified eight vitamins and minerals, for which the Tolerable Upper Intake Levels (ULs) should be updated. On 7 June 2021, the Commission sent a mandate to EFSA, requesting to provide scientific opinions on the ULs of these eight vitamins and minerals. The Commission will discuss the setting of maximum amounts at working group level with all the Member States, following the adoption of the EFSA Opinions on the ULs, which are expected in the course of 2023.