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SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 08 APRIL 2019

(Section *General Food Law*)

CIRCABC Link: *https://circabc.europa.eu/w/browse/38f56e30-0b5c-4693-82fa-f1d7ba8d1f0d*

A.01 Exchange of views of the Committee on the Finnish notification of a draft Decree amending the Decree on the pilot project on origin indication of milk as wells of milk and meat used as an ingredient in certain pre-packed foods

In the context of the notification procedure under Article 45 of Regulation (EU) No 1169/2011, on 15 February 2019, Finland notified a draft Decree amending the Decree on the pilot project on origin indication of milk as well as of milk and meat used as an ingredient in certain pre-packed foods.

The Finnish authorities presented their notified measure and the reasons justifying it. In particular, they referred to the findings of the report prepared by the Finnish authorities on the ongoing trial measure on origin labelling. In this context, it was explained that consumers are highly satisfied with the new measure and predominantly check the country of origin when buying the foods in question. The Finnish authorities informed that the labelling requirements in question have no significant side effect on the EU food chain.

During the discussion, some Member States expressed a strong opposition to the notified draft. In particular, they raised concerns about the negative repercussions on the internal market and asked for harmonised EU rules.

Other Member States were of the view that the notified measure is justified in the light of the findings of the Finnish report. Furthermore, certain national delegations observed that the extension of the Finnish measure can only be considered after a global evaluation of all national schemes running on the matter and once a decision is taken by the Court of Justice of the EU on the current preliminary ruling "Lactalis". Member States who have adopted similar national provisions on origin expressed their support for the Finnish notified draft measure.

Finally, several delegations asked the Commission how the assessment of the evaluation reports that the Member States concerned have committed to produce will be carried out and what the next steps on the matter will be.

The Commission took note of the observations expressed and informed that the assessment of the notified draft is ongoing. Furthermore it informed the delegations that the Commission is reflecting on the possibility to organise a seminar to exchange views on the findings about the impacts of the various national measures. The Commission also reminded the Member States that the Implementing Regulation on the origin indication of the primary ingredient will apply as of 1 April 2020 and will address to a certain extent concerns that led to the adoption of national measures.

A.02 Exchange of views of the Committee onthe Croatian notification of a draft Rules on salt underArticle 45 of Regulation (EU) No 1169/2011

In the context of the notification procedure under Article 45 of Regulation (EU) No 1169/2011, on 11 March 2019, Croatia notified a draft Law on prepacked salt. The notified draft requires that salt that has not been iodised due to technologically justifiable reasons needs to be labelled as follows: '*Non-iodised salt. Sufficient iodine intake is necessary for normal functioning of the body*.' In addition, the minimum durability date shall be specified on the prepacked iodised salt.

The Croatian authorities presented the notified measure and reasons supporting the additional labelling requirements.

During the subsequent discussion, some delegations supported the notified draft and, in particular, the informative statement with regard to non-iodised salt required by the notified measure. Nevertheless, few Member Sates expressed their concerns as to the compatibility of the wording of the statement in question with the provisions of Regulation EC 1924/2006 on nutrition and health claims.

The Commission took note of the observations expressed and informed that the assessment of the notified draft is ongoing.

A.03 Exchange of views of the Committee on the use of substances (betaine, d-ribose and trans-resveratrol) as novel food and non-novel food ingredients in food.

The Member States were asked for their views on the measures to be taken to ensure the safe use and appropriate consumer information of the substances betaine, D-ribose and trans-resveratrol in food and food supplements, following safety concerns raised by the Member States in the context of the authorisation of their use as novel food ingredients.

The Commission explained that the use of the above-mentioned substances in food and food supplements, depending on their novel food status and their proposed uses, may fall within the remit of Regulation (EU) 2015/2283 on novel foods in addition to other relevant pieces of legislation. This has led to the authorisation as a novel food ingredient in food supplements of a synthetic form of trans-resveratrol. On the basis of EFSA's opinion, products containing this substance shall bear a warning statement that it should be used under medical supervision as it may interact with certain medicines. However, no labelling requirements exist for the use of the non-novel form of trans-resveratrol in the manufacture of food supplements despite this substance also having the potential to interact with certain medicines.

The use of D-ribose in food supplements is not considered to be novel. The Commission has authorised its use as a novel food in other food categories following a safety assessment by EFSA on the proposed use levels. However, EFSA in its opinion concluded that the acceptable level of intake for D-ribose may be exceeded if the authorised food categories are used in conjunction with food supplements containing D-ribose. The Commission explained that the use of betaine in food supplements does not fall under the novel foods Regulation, and that the use of betaine as a novel food in certain food categories has not yet been authorised as EFSA is finalising its scientific opinion on the safety of the substance. The Commission envisages that the authorisation of its use as a novel food ingredient in certain food categories will require the same considerations as for D-ribose.

A number of delegations expressed their views on the appropriate risk management measures to be taken to deal with the safety issues raised by EFSA in its opinions. They were of the view that the Commission should address these concerns by means of the use of the Article 8 procedure under Regulation (EC) No 1925/2006 on fortified foods. One delegation urged the Commission to ensure consistency when addressing similar issues and granting authorisations for the use of novel food ingredients. These delegations considered that a discussion was required within the working group on food supplements and fortified foods, and that on novel foods.

The Commission explained the conditions that shall be met in order for the procedure under Article 8 of Regulation (EC) No 1925/2006 to be initiated and referred to the implementing rules for Article 8 laid down in Commission Implementing Regulation (EU) No 307/2012. The Commission reminded the delegations that as EFSA's opinions on trans-resveratrol and D-ribose referred to an acceptable daily intake, both food business operators and Member States' competent authorities could take further action at national level on the basis of the principles of general food law. It was concluded that further reflection on this issue was needed and that the Commission will consult the Member States' experts on food supplements and fortified foods in writing, and also the working group on Regulation (EU) No 1169/2011 on the provision of food information to consumers, so as to exchange views on the best way forward.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation correcting the Greek language version of Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

Following a request from the Greek authorities to make a corrigendum of the Greek version of the above-mentioned act, and further to internal assessment, it has been concluded that an amendment of the current Greek version as published in the JO cannot be considered as a simple linguistic correction as it would change the scope of the Greek version of the legal text. A new adoption of the Greek version of the text was therefore needed and has been submitted for opinion to the Committee.

Vote taken: Favourable opinion.

M.01 Re-examination of Annex II to Regulation (EU) No 1169/2011

One Member State stressed the need for re-examination of Annex II to Regulation (EU) No 1169/2011 in the light of recent scientific knowledge on the matter. In addition, the Commission was asked about its intention to request the European Food Safety Authority to establish the threshold for individual allergens in order to make the precautionary labelling on food allergens more reliable.

The Commission took note of these statements and informed that the issue of food allergens is an important aspect in the portfolio of DG SANTE. Nevertheless, due to other priorities, the work on the file related to allergens had to be temporarily put on hold.