

Panel on Dietetic products, Nutrition and Allergies

15 October 2009

MINUTES OF THE 30TH PLENARY MEETING OF THE SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES HELD FROM 13 TO 15 OCTOBER 2009

PARTICIPANTS

Panel members:

- Carlo Agostoni
- Jean-Louis Bresson
- Susan Fairweather-Tait
- Albert Flynn
- Ines Golly
- Hannu Korhonen
- Pagona Lagiou
- Martinus Løvik
- Rosangela Marchelli
- Bevan Moseley
- Monika Neuhäuser-Berthold
- Hildegard Przyrembel
- Seppo Salminen
- Yolanda Sanz
- Sean Strain
- Stephan Strobel
- Daniel Tomé
- Hendrik van Loveren
- Hans Verhagen

EFSA staff:

- Juliane Kleiner
- Reinhard Ackerl
- Maria Astridou
- Ulla Bertelsen
- Janusz Ciok
- Wolfgang Gelmann
- Leng Heng
- Danai Papanastasiou
- Ariane Titz
- Emanuela Turla
- Silvia Valtueña Martínez

European Commission:

- Christina Antoniou¹
- Sabine Osaer¹

¹ DG Health and Consumers

1. WELCOME, APOLOGIES FOR ABSENCE

The Chair welcomed all participants to the plenary meeting. Apologies for absence were received from Ambroise Martin and Inge Tetens.

2. ADOPTION OF THE AGENDA

The agenda was adopted with changes in the order of items discussed.

3. DECLARATIONS OF INTEREST

EFSA secretariat screened the Annual Declaration of interest (ADoI) and Specific Declaration of interest (SDoI) filled in by the scientific experts invited to this meeting in accordance with EFSA's Policy on Declarations of Interests. With regard to the specific items on the agenda for this meeting interests were declared and actions were taken as follows:

Seppo Salminen indicated that the references provided for the prune juice claim included a publication from his research team and that for the claims related to *Lactobacillus casei Shirota* and *Lactobacillus johnsonii* NCC 533 (La1) his research group has used these strains in some of their research that was supported by public funding.

The EFSA secretariat did not consider these interests as conflict of interests and the expert was allowed to participate in the discussion for these Agenda items.

No other conflicts of interests related to the issues discussed in this meeting have been identified during the screening process or at the beginning of this meeting.

4. FEEDBACK FROM EFSA, THE SCIENTIFIC COMMITTEE AND OTHER EFSA PANELS, GENERAL INFORMATION FROM EFSA, AND NEW REQUESTS RECEIVED FROM THE COMMISSION

The NDA chair reported back from the meeting of the Scientific Committee, where the work of the NDA Panel was presented, focusing of the management on health claims and in particular on the recent publication of the first batch of Article 13 opinions health claims. The Chair also briefed the Panel about the Scientific Committee's away day.

The Secretariat informed the Panel about the review process to assess the quality of EFSA's scientific work, external scientific reviewers were selected via an open call process and a number of opinions adopted by the NDA panel will be reviewed by independent reviewers.

The Panel was also informed about the visit of a WHO delegation to EFSA to be held on 26th October 2010.

The European Commissioner for Health Androulla Vassiliou will arrive in Parma on Friday 16 October for a visit to EFSA. EFSA's recent activities in the areas of animal cloning, nanotechnology, GMOs and nutrition will be discussed during this visit and the NDA Chair participate to the meeting.

Six new requests were received from the European Commission asking EFSA to carry out additional assessment related to the Safety of Novel Foods, submitted in accordance with the Novel Foods Regulation 258/97/EC:

- Safety of chitin-glucan as food ingredient
- Safety of a sardine peptide product
- Safety of glavanoid
- Safety of fermented black bean extract

- Safety of an extract of Lentinus edodes (Shiitake mushroom)
- Safety of CLA as food ingredient

5. PRESENTATION ON EFSA JOURNALS

Carola Sondermann provided an update on the new EFSA Journals. The Panel welcomed this project which will raise EFSA's visibility in the scientific Community.

6. FEEDBACK FROM EFSA ON NATIONAL EXPERT MEETING ON DIETARY REFERENCE VALUES HELD IN BARCELONA, 7-8 SEPTEMBER 2009

The Chair and Vice-Chair reported back from the meeting in the area of Dietary Reference values (DRV). Further to the public consultation, this meeting was an opportunity to exchange views with experts from Member States on draft opinions on DRV covering fats, carbohydrates, fibres, and water, as well as the general principles for setting them and Food-based Dietary Guidelines. National experts were briefed about the comments received during the consultation period and useful discussion took place on a number of issues surrounding the draft opinions, including the scientific role of EFSA in deriving dietary reference values.

7. FEEDBACK FROM EFSA TECHNICAL MEETING WITH MEMBER STATES AND EC ON ARTICLE 13.1 HEALTH CLAIMS IN BRUSSELS, 6 OCTOBER 2009

The Chair and the Secretariat provided feedback on the Technical meeting held on 6 October 2009 in Brussels. The meeting was considered as a good opportunity to further explain the EFSA's evaluation process of Article 13(1) health claims and useful feed-back from the Member States and the European Commission were received.

A draft Briefing document related to the EFSA assessment of Article 13(1) health claims will be updated by taking into account the comments received from Member States and at the above-mentioned meeting. The updated Briefing document is now published on the EFSA website: http://www.efsa.europa.eu/efsa_locale-1178620753812_1211902904263.htm.

8. FEEDBACK FROM THE COMMISSION ON MATTERS RELATING TO THE PANEL

The Commission briefed the Panel on the progress of the Commission Decision and possible timeline following the adoption and publication of the 1st batch Article 13(1) health claims opinions.

In relation to Article 14 and 13(5) health claims opinions, the Panel was informed about the upcoming Commission Regulation on the authorisation and refusal of authorisation of certain health claims which will be published in the Official Journal of the European Union.

In relation to the Annex of the Claims Regulation, the Panel was informed about addition of five new nutrition claims to the Annex.

9. ARTICLE 13 HEALTH CLAIMS' LIST – GENERAL UPDATE

In order to comply with requirements for transparency and to keep the workload manageable, EFSA will publish claims opinions in series as they are adopted at Plenary meetings of the NDA Panel. Assessments of individual claims will be combined, as appropriate, to form coherent opinions. The next publication is planned to take place early 2010.

10. STATUS OF APPLICATIONS UNDER ARTICLE 14/13(5) HEALTH CLAIMS

Article 14 claims: By 9 October 2009, EFSA has received 260 Article 14 applications (213 referring to children's health and development and 47 referring to reduction of disease risk claims); 13 applications are under evaluation and 25 were withdrawn. By now EFSA has adopted 55 opinions (covering 62 applications). For many of the applications, additional information is still awaited from the applicants. For some of the applications, EFSA went back to the respective National Competent Authority and the Commission seeking clarification on whether the application would fall in the scope of EC 1924/2006 Health Claims Regulation.

Article 18/13(5) claims: By 9 October 2009, EFSA has received 22 applications under Article 13(5) (claims based on newly developed science and/or which include a request for the protection of proprietary data): 1 is under evaluation, 13 were adopted and 6 were withdrawn, and 2 were under validation.

11. NOVEL FOODS

The draft opinion related to "*Conjugated linoleic acid (CLA)*" was discussed and **adopted** subject to editorial changes .

Post-meeting notes: During the incorporation of the editorial changes the chairman of the Panel identified scientific issues that require further consideration by the Panel. The Opinion will be placed on the agenda of the next NDA plenary meeting in December.

12. APPLICATIONS PURSUANT TO ARTICLES 14/13(5) OF REGULATION (EC) No 1924/2006

12.1. "Eye q™ and working memory"

The draft opinion was discussed. The Panel identified a number of issues on which additional information is needed from the applicant before the Opinion can be concluded.

12.2. "OPC Premium™ and reduces blood cholesterol"

The draft opinion was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902971744.htm

12.3. "Immune Balance Drink and supports natural defences"

The draft opinion was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902990918.htm

12.4. "Glucosamine hydrochloride and reduced rate of cartilage degeneration"

The draft opinion was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902983270.htm

12.5. "Iodine necessary for the growth of children"

The draft opinion was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211903065597.htm

12.6. "Iron is necessary for the cognitive development of children"

The draft opinion was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211903065518.htm

12. DRAFT ARTICLE 13(1) OPINIONS

The Panel discussed and adopted a number of evaluations of Article 13(1) claims related to vitamins, minerals, macronutrients, microorganisms, foods, other substances and botanicals. More details on which evaluations were adopted at the meeting can be found in the EFSA register of Questions:

<http://registerofquestions.efsa.europa.eu/roqFrontend/questionsListLoader?panel=NDA&foodsectorarea=26>

The adopted evaluations of claims will be combined as appropriate to form coherent opinions and will be published in early 2010 together with other evaluations of claims to be adopted at the Plenary meeting in December 2009.

13. FOOD ALLERGY

The draft opinion related to **Barley Beta-Amylase - for permanent exemption from labelling** was discussed and **adopted** subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902987602.htm

14. ANY OTHER BUSINESS

These minutes were adopted on 4 December 2009.