

**MINUTES OF THE 44TH PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 18 TO 20 JANUARY 2012**

PARTICIPANTS

Panel members:

- Carlo Agostoni ¹
- Jean-Louis Bresson ¹
- Susan Fairweather Tait
- Albert Flynn
- Ines Golly
- Hannu Korhonen
- Pagona Lagiou ²
- Martinus Løvik
- Rosangela Marchelli
- Ambroise Martin ¹
- Bevan Moseley
- Monika Neuhäuser-Berthold
- Hildegard Przyrembel
- Yolanda Sanz
- Sean Strain
- Stephan Strobel
- Daniel Tomé ¹
- Hendrik van Loveren
- Hans Verhagen

¹ Present on 18 and 19 January 2012 only

² Present on 18 January 2012 only

EFSA staff:

- Juliane Kleiner
- Reinhard Ackerl
- Maria Astridou
- Anja Bronstrup
- Janusz Ciok
- Agnès De Sesmaisons-Lecarre
- Céline Dumas
- Wolfgang Gelbmann
- Leng Heng
- Ilkka Ojansivu
- Danai Papanastasiou
- Ariane Titz
- Emanuela Turla
- Silvia Valtueña Martínez

European Commission:

- Christophe Didion (European Commission)

1. WELCOME, APOLOGIES FOR ABSENCE

The Chair welcomed all participants to the plenary meeting. Apologies were received from Seppo Salminen and Inge Tetens. The secretariat also welcomed the Panel members to the EFSA new seat.

2. ADOPTION OF THE AGENDA AND THE MINUTES OF LAST PLENARY

The agenda of the meeting and the minutes of the 43rd Plenary meeting were adopted. One new item related to Dietary Reference Values on Energy was added to the Agenda (see 10.3).

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.

For agenda item 8.2 related to an application from Raisio Nutrition Ltd ("plant stanols") and 8.3 from Unilever ("plant sterols and plants stanols"), Hans Verhagen declared an interest and refrained from discussion for these Agenda items.

For agenda item 8.3 from Unilever ("plant sterols and plants stanols"), Susan Fairweather Tait declared an interest and refrained from discussion for this Agenda items.

With regard to the other items on the agenda for this meeting and to the additional item added to the Agenda (10.3 Dietary Reference Values on Energy), no conflicts of interests have been identified at the beginning of this meeting.

4. FEEDBACK FROM EFSA SCIENTIFIC COMMITTEE AND OTHER EFSA PANELS, GENERAL INFORMATION FROM EFSA

The Scientific Committee discussed the comments received during the public consultation on the draft opinion "Exploring options for providing preliminary advice about possible human health risks based on the concept of Threshold of Toxicological Concern (TTC)". A revised draft opinion will be submitted in February 2012 to the Scientific Committee for possible adoption.

The draft opinion on risk assessment terminology was presented to the Scientific Committee for preliminary discussion.

Members were informed that a new EFSA policy on independence and scientific decision making processes has been adopted by the EFSA Management Board on 15 December 2011. The policy is currently being translated into an EFSA Executive Director decision for its implementation.

5. FEEDBACK FROM THE EUROPEAN COMMISSION ON MATTERS RELATING TO THE PANEL

The Commission provided feedback on the status of its decision-making related to the Art 13(1) health claims. The positive opinion (5 December 2011) of the Standing Committee on the Food Chain and Animal health - General Food Law related the draft Commission Regulation on the authorisation of Article 13.1 health claims (222 positive claims covering 497 claims IDs) will be presented to the European Parliament in January 2012 for scrutiny until April 2012.

The Commission representative took the opportunity to express its gratitude to the EFSA NDA Panel members and EFSA staff for their excellent scientific contribution and high commitment during the whole process of Article 13(1) health claims evaluations.

For Art 13(1) claims eligible for further assessment, EFSA has received in January 2012 74 ID claims dossiers for microorganisms which were originally assessed as not being insufficiently characterised (out of 261 IDs qualifying for re-assessment) and 17 ID claims dossiers for which EFSA concluded that there was insufficient evidence (out of 42 IDs qualifying for re-assessment).

6. NEW REQUESTS

No new request has been received (other than claim applications – see also 7.1).

7. GENERAL ISSUES ON HEALTH CLAIMS EVALUATIONS

7.1 Update on Article 13(5) and 14 applications

The Secretariat informed the Panel about the status of claims applications since the last Plenary meeting.

Article 13(5) claims (claims based on newly developed science and/or which include a request for the protection of proprietary data): Since the last meeting, four new applications pursuant to 13(5) claims were received (Daidzein-rich soy germ and menopausal complaint; Prolibra-dairy derived ingredient containing whey proteins/peptides/milk minerals and reduce fats while preserving lean muscle; Cocoa flavanols and blood flow; Iron as ferrous sulphate and excessive hair loss in non-menopausal women).

Rapporteurs have been appointed for the new applications received.

Article 14 claims: Two children's claims applications (related to *Lactobacillus reuteri* Protectis ATCC 55730 or DSM 17938; from Hipp GmbH & Co Vertrieb KG) were withdrawn further to a request from the Competent Authority of Germany.

7.2 Draft guidance on the scientific requirements for health claims related to bone, joints, oral health and connective tissue (EFSA-Q-2010-01184)

Following the online public consultation of the above-mentioned draft guidance document, a revised draft guidance document taking into consideration relevant comments received was discussed and a revised draft will be submitted to the next Standing working group on claims meeting for further discussion prior to final adoption by the Panel.

7.3 Technical report: Outcome of a public consultation on the Draft guidance on the scientific requirements for health claims related to bone, joints, oral health and connective tissue (EFSA-Q-2011-00308)

A technical report on the Outcome of a public consultation of a draft guidance on the scientific requirements for health claims related to bone, joints, oral health and connective tissue, which summarises the comments received during the public consultation of this guidance (opened from 26 April 2011 to 31 August 2011) was presented, and discussed. The technical report will be submitted to the next Standing working group on claims meeting for further discussion prior to final endorsement by the Panel.

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

8.1 ENSA/EUVEPRO/SPA “Protein-rich soybean component” and “plasma cholesterol reduction and reduction of heart disease risk” (Art 14: 0304_BE, EFSA-Q-2011-00784)

On 18 January, the draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The full text is published in the EFSA Journal: <http://www.efsa.europa.eu/en/efsajournal/pub/2555.htm>.

8.2 *Raisio Nutrition Ltd* – “**3 g plant stanols**” and reduction of blood cholesterol” (Art 14: 0307_FI; EFSA-Q-2011-00851)

On 19 January, the response by the applicant to the EFSA request for supplementary information were presented and discussed. A revised draft opinion will be discussed at the next Standing working group on claims meeting.

8.3 Unilever-“**plant sterols and plants stanols**” and reduction of blood cholesterol” (Art 19: 0316_UK; EFSA-Q-2011-01241)

On 19 January, the draft opinion was presented and discussed. The Panel identified a number of issues for which additional information is needed from the applicant before the Opinion can be concluded. The stop the clock procedure will be applied.

8.4 *Merck Consumer Healthcare n.v.* - “**Glucosamine**” and “**normal joint cartilage**” (Art. 13(5): 0313_BE; EFSA-Q-2011-01113)

On 19 January, the Applicant’s responses to EFSA request for supplementary information were presented and discussed. A revised draft opinion will be discussed at a further meeting of the Standing working group on claims.

9. FURTHER ASSESSMENT OF ARTICLE 13 CLAIMS

The secretariat provided more details related to the 91 Article 13 claims dossiers subject to further assessment by end 2012.

10. DIETARY REFERENCE VALUES

10.1 Technical report: Outcome of a public consultation on the Draft Scientific Opinion of the EFSA Panel on Dietetic Products, Nutrition, and Allergies (NDA) on the Dietary Reference Values for protein (EFSA-Q-2011-00809)

A technical report on the Outcome of a public consultation of a draft Opinion related to the dietary reference values for protein, which summarises the comments received during the public consultation of this guidance (opened from 12 July 2011 to 07 October 2011) was presented, discussed and subsequently endorsed by the Panel on 19 January. The technical report will be published together with the Opinion related to the dietary reference values for protein (see also item 10.2) via the following link: <http://www.efsa.europa.eu/en/supporting/pub/225e.htm>.

10.2 Draft Opinion of the Scientific Panel on Dietetic Products, Nutrition and Allergies on a request from the Commission related to the dietary reference values for protein (EFSA-Q-2008-468)

Following the online-public consultation of the above-mentioned draft Opinion, a revised draft document taking into consideration relevant comments received was thoroughly discussed and adopted on 19 January by the Panel subject to the incorporation of editorial changes. The NDA Panel members expressed its gratitude for the many useful comments received, which helped to improve the document.

The final text of the Opinion will be published together with a Summary Report of the comments received during the online-consultation phase via the following link: <http://www.efsa.europa.eu/en/efsajournal/pub/2557.htm>.

10.3 Dietary reference values for Energy

The approach for deriving dietary reference values for energy was presented to the Panel and discussed.

11. ANY OTHER BUSINESS

The minutes of the 44th Plenary meeting were agreed on 28 February 2012.