

**MINUTES OF THE 26TH PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 5TH TO 6TH MAY 2009**

PARTICIPANTS

Panel members:

- Albert Flynn
- Karin Hulshof
- Pagona Lagiou
- Martinus Løvik
- Rosangela Marchelli
- Bevan Moseley
- Hildegard Przyrembel
- Seppo Salminen
- Stephan Strobel
- Hendrik van Loveren
- Hans Verhagen

EFSA staff:

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

European Commission:

- Christophe Didion¹
- Christina Antoniou¹

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 Jean-Louis Bresson, Marina Heinonen, Hannu Korhonen, Ambroise Martin, Sean Strain, Stephan Strobel, Inge Tetens, Henk van den Berg and Hans Verhagen.

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

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

3. DECLARATIONS OF INTEREST

In accordance with EFSA's Policy on Declarations of Interests, EFSA screened the ADoI filled in by the scientific experts invited for the present meeting. No conflicts of interests related to the issues discussed in this meeting have been identified during the screening process and no new interests were declared in the SDoI or at the beginning of this meeting.

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

The European Commission's representative gave a status report about the Commission Decision concerning nutrient profiles, and EFSA's adopted opinions pursuant to Article 14 and 13(5) claims.

The draft Regulation amending Regulation (EC) No 353/2008 establishing implementing rules for authorisation of health claims was sent to EFSA for comments.

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

Article 14 claims: By 30 April 2009, EFSA has received 247 Article 14 applications (214 referring to children's health and development and 35 referring to reduction of disease risk claims); 7 applications are under evaluation and 14 were withdrawn. EFSA adopted 51 opinions (covering 58 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 30 April 2009, EFSA has received 20 applications under Article 13(5) (claims based on newly developed science and/or which include a request for the protection of proprietary data): 7 are under evaluation, 7 were adopted and 6 were withdrawn.

6. TECHNICAL MEETING WITH APPLICANTS ON RECENT DEVELOPMENTS ON HEALTH CLAIMS APPLICATIONS

In the light of the experience gained with the evaluation of health claims applications, EFSA will provide further guidance to applicants for the preparation and presentation of applications for Article 14 and 13.5 claims. To this end, a frequently asked question (FAQ) document is currently being prepared.

The draft FAQ document was introduced to the Panel and discussed. A revised version will be submitted to the next Plenary meeting next week. A revised version will be released on the EFSA website for comments before the technical meeting to be held in Brussels on 15th June, 2009.

The objective of the technical meeting on 15th June is to exchange views between experts from industry/applicants and experts from the NDA Panel and EFSA based on the draft FAQ document related to Article 14 and 13.5 health claim applications. Following this meeting the draft FAQ document will be revised and published on the EFSA website.

7. ARTICLE 13 SUB-WORKING GROUP REPORTS

Postponed to next Plenary meeting.

8. DRAFT ART. 13 OPINIONS

Draft opinions on Article 13 claims related to “probiotics”, “immune and gastro-intestinal function”, and “cardiovascular function” were presented and discussed.

It was agreed to revise the draft opinions according to the discussion and re-discuss them at a future meeting.

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

9.1. Regulat® food and regulation & modulation of immune system

The draft opinion was discussed and a revised version taking into account the comments made at the meeting will be circulated to the Panel for adoption by written procedure.

10. ANY OTHER BUSINESS

These minutes were adopted on 1 July 2009.