

**MINUTES OF THE 32ND PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 9 TO 11 FEBRUARY 2010**

PARTICIPANTS

Panel members:

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

EFSA staff:

- Juliane Kleiner
- Reinhard Ackerl
- Maria Astridou
- Athanasia Baka
- Ulla Bertelsen
- Wolfgang Gelbmann
- 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. Apology for absence was received from Susan Fairweather-Tait.

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

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

The minutes of the 31st Plenary meeting were adopted.

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:

For agenda items 10.2 and 10.3 related to Danone applications Jean-Louis Bresson, Ambroise Martin, Sean Strain and Yolanda Sanz declared an interest and refrained from discussion for this agenda items. Albert Flynn declared an interest and withdrew from the chair and refrained from 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

Dr. Riitta Maijala, Director of EFSA's Risk Assessment Department, informed the Panel about the EFSA plans and key priorities for 2010, the external review process on the quality of EFSA scientific outputs, and the new rules for Panels and Scientific Committee.

The process and overall outcomes of the **review** of a sample of EFSA scientific outputs by external scientists were presented and the main findings were outlined. Specific remarks directly related to the outputs issued by NDA were highlighted. An action plan will be prepared by EFSA by March 2010, based on the recommendations received from the external reviewers, the Scientific Committee and the Panels.

The Panel was informed about the implementation of the Decision concerning the establishment and operations of the scientific Committee, Scientific panels and of their working groups, which has been updated and adopted by the EFSA Management Board in December 2009. The main changes, e.g. related to election of chairs and vice-chairs, requests for a scientific opinion and expert indemnities, were outlined to the Panel.

Following the concerns expressed about travel arrangements, a number of new modalities were presented in order to take account of the specificity of the Parma location. Experts were invited to test these new modalities for 6 months and report back on any difficulty encountered. A questionnaire was sent to all experts in order for EFSA to gather all issues related to travelling and consider appropriate solutions.

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

The Commission provided feedback on the status of the Commission Decision related to the opinions that were adopted by the Panel between May-Dec 2009. All the adopted

Commission decisions are available on the Commission website: http://ec.europa.eu/food/food/labellingnutrition/claims/comments_efsa_en.htm.

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

6. NEW REQUESTS RECEIVED FROM THE COMMISSION

No new request has been received since last plenary meeting.

7. ARTICLE 13 HEALTH CLAIMS' LIST – GENERAL UPDATE

Members were informed that the publication of the second series of Article 13 claims opinions is foreseen for end February 2010.

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

Article 14 claims: By 31 January 2010, EFSA has received 260 Article 14 applications (216 referring to children's health and development and 44 referring to reduction of disease risk claims); 9 applications are under evaluation and 31 were withdrawn.

Article 18/13(5) claims: By 31 January 2010, EFSA has received 32 applications under Article 13(5) (claims based on newly developed science and/or which include a request for the protection of proprietary data): 8 are under evaluation, 15 were adopted and 6 were withdrawn.

9. NOVEL FOODS

9.1 “Conjugated linoleic acid (CLA)”

The Panel identified additional issues for which information is needed from the applicants before the Opinions can be concluded. The stop the clock procedure will be applied for both applications.

9.2 “Cetyl-Myristoleate”

The Panel identified additional issues for which information is needed from the applicants before the Opinion can be concluded. The stop the clock procedure will be applied.

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

10.1. “Blackcurrant seed oil, fish oil, lycopene, and vitamins E and C” and “helps to improve dry skin condition”

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.

10.2. “Eye qTM and working memory”

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/en/scdocs/scdoc/1516.htm>.

10.3. “Fermented milk with *B. lactis* DN- 173010 /CNCM I-2494 and lactic acid bacteria Activia®” and “gastrointestinal comfort”

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.

Post-meeting notes: In the meantime the application has been withdrawn by the Competent Authority of France.

10.4. “Fermented milk that contains *L. casei* DN 114001 /CNCM I-1518 Actimel®” and “reduces the presence of *Clostridium difficile* toxins in the gut, associated with the incidence of acute diarrhoea.”

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.

10.5. “Orsalit” and “rehydrate or avoid dehydration during diarrhoea and/or vomiting”

Members were informed by the European Commission that the admissibility of health claims applications on products subject to foods for particular nutritional uses legislation (dietetic foods) and in particular on foods for special medical purposes were recently discussed at a Commission working group meeting with Member States. In this context the respective Member State which forwarded the application to EFSA was asked to re-consider the admissibility of the application for Orsalit. Therefore the application was not discussed at the Plenary meeting.

Post-meeting notes: In the meantime the application has been withdrawn by the Competent Authority of Poland.

11. DRAFT ARTICLE 13(1) OPINIONS

The Panel discussed and adopted a number of evaluations of Article 13(1) claims related to vitamins, minerals, microorganisms, foods, and other substances. 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 September 2010 together with other evaluations of claims to be adopted at the Plenary meetings in April and June 2010.

12. ANY OTHER BUSINESS

Panel members were given an introductory presentation on the technical requirements, tools and software available for setting video conference meetings.

The minutes of the 32nd Plenary meeting were adopted on 28 April 2010.