

**MINUTES OF THE 40TH PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 11 TO 13 MAY 2011**

PARTICIPANTS

Panel members:

- Carlo Agostoni
- Jean-Louis Bresson
- Susan Fairweather Tait
- 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
- Kinga Wanda Adamaszwili
- Maria Astridou
- Anja Bronstrup
- Agnès De Sesmaisons-Lecarre
- Céline Dumas
- Wolfgang Gelbmann
- Leng Heng
- Danai Papanastasiou
- Ariane Titz
- Emanuela Turla
- Silvia Valtueña Martínez

European Commission:

- Francesco Carlucci (European Commission)

1. WELCOME, APOLOGIES FOR ABSENCE

The Chair welcomed all participants to the plenary meeting.

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 39th 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.

For the Agenda item related to application from Kraft Foods - "Biscuits for breakfast", Albert Flynn declared an interest and withdrew from the chair and refrained from discussion for this agenda item.

For the Agenda item related to applications from Valio - "Lactobacillus GG" and "Peptides isoleucyl-prolyl-proline (IPP) and valyl-prolyl-proline (VPP)", Seppo Salminen declared an interest and refrained from discussion for these Agenda items.

For the Agenda item related to an application from Valio - "Peptides isoleucyl-prolyl-proline (IPP) and valyl-prolyl-proline (VPP)", Hannu Korhonen orally declared an interest and refrained from discussion for this Agenda item.

With regard to the other items on the agenda for this meeting, no conflicts of interests have been identified during the screening process or at the beginning of this meeting.

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

In relation to the EFSA call to renew the membership and create reserve lists for its Scientific Panels and Scientific Committee for the upcoming three-year period from mid-2012 to mid-2015, Panel members were reminded about the closing date for applications. (<http://www.efsa.europa.eu/en/scpanels/memberscall2011.htm>). Members were kindly asked to help raising awareness about this call widely to other experts.

As part of the new organisation of EFSA, the Panel was informed that the unit's name in charge of the NDA Panel has changed to Nutrition Unit (NUTRI) since 1st May 2011. The Nutrition unit is placed under the Scientific Evaluation of Regulated Products Directorate (REPRO). Also as part of its new structure under the same Directorate, EFSA will be establishing an Applications Desk unit to act as a first contact point for applicants, the European Commission and Member States.

The Panel was also informed about an EFSA internal mandate to launch a call for tenders to provide support to Member States to conduct national dietary surveys in compliance with the EFSA guidance on general principles for the collection of national food consumption data in view of a pan-European dietary survey.

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

The Commission provided feedback on the status of the Commission decisions related to the opinions concerning Art 13(1), Art 14 and 13(5) claims that were adopted by the Panel. All the adopted Commission decisions are available on the Commission website: http://ec.europa.eu/food/food/labellingnutrition/claims/community_register/index_en.htm.

The Commission also provided feedback from the Commission ad hoc working group meeting with Member States to discuss the further assessment of Article 13 health claims (probiotics not sufficiently characterised, claims for which EFSA concluded that there is insufficient evidence). The modality and procedural aspects including the proposed timelines and communication issues were outlined. A format indicating the data requirement for this procedure has been developed in cooperation with EFSA. DG SANCO will be communicating the details of the procedure to Member States in the next weeks.

6. MEETING DATES FOR 2012

Proposed meeting dates for 2012 were agreed:

18-20 January; 28-29 February to 1 March; 25-27 April; 27-29 June (last meeting of the current Panel);

3-4 July (inaugural meeting of the new Panel); 12-14 September; 28-30 November.

7. NEW REQUESTS

A new request was received from the Food Safety Authority of Ireland asking EFSA to provide a scientific opinion on: the prevalence of allergens listed in the annex of Commission Directive 2007/68/EC; recommendations for threshold concentration of each allergen; an overview of risk assessment strategies for allergens by Member States, with recommendation for a harmonised approach; the suitability of DNA-based tests (PCR) for the detection/quantification of food allergens versus immunological or other methods. The Commission services have been informed about the request from Ireland.

The Panel confirmed the composition of the Working Group dealing with upcoming questions related to Food Allergy.

8. NOVEL FOODS

8.1. “Safety of Glavonoid[®]” (EFSA-Q-2009-00749)

The draft opinion was discussed. Several issues were raised and the adoption of the opinion was postponed to the next Plenary meeting.

9. GENERAL ISSUES ON HEALTH CLAIM EVALUATION

9.1 Finalisation of Article 13 list claims

The next series of publication of adopted Article 13 opinions is foreseen by end of June 2011 all claims which were adopted at the March or April Plenary meetings and those which will be adopted at this meeting. The few remaining claims will be adopted at the June Plenary meeting and published before the summer break

9.2 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 14 claims: Since the last meeting, one new application was received (Bimuno[®] GOS and reducing enteropathogens in the gastrointestinal tract, pathogenic bacteria is a risk factor for traveller’s diarrhoea). By 10 May 2011, EFSA had received 268 Article 14 applications (218 referring to children’s health and development and 50 referring to reduction of disease risk claims); 12 applications were under evaluation, 104 applications were withdrawn.

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, two new application were received (Tyrosine is essential for the formation of dopamine; Bimuno® GOS and gastrointestinal discomfort). By 10 May 2011, EFSA had received 50 applications under Article 13(5): 8 are under evaluation, 27 were adopted, 14 were withdrawn, and 1 was under validation.

Rapporteurs have been appointed for the new applications received.

9.3 Remaining issues from adopted Art. 13 opinions at last Panel meeting

Some remaining editorial issues related to adopted Art. 13 claims opinions were discussed and clarified.

9.4 Administrative amendments to the scientific and technical guidance for the preparation and presentation of the application for authorisation of a health claim (EFSA-Q-2011-00215)

Based on the experience gained with the evaluation of health claim applications, and in order to ease the task of applicants when preparing health claim application, it was proposed to simplify the administrative and technical part of the scientific and technical guidance for the preparation and presentation of an application for authorisation of a health claim, adopted and published in 2007. The proposed changes relate mainly to the forms to be used for the submission of an application and were of purely administrative nature. The revised document was adopted by the Panel and is published in the EFSA Journal: <http://www.efsa.europa.eu/en/ndaclaims/ndaguidelines.htm>.

9.5 Draft guidance on the requirements for health claims related to neurological and psychological functions (EFSA-Q-2010-01185)

A draft guidance document was discussed at this meeting and will be further discussed at the next Plenary meeting.

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

10.1 “Biscuits for breakfast” and “appearance in the blood circulation of exogenous glucose from biscuits consumed for breakfast that is moderate and stable throughout the morning” (Art 13.5: 0284_BE, EFSA-Q-2010-00966)

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 “Lactobacillus GG” and “improves body’s resistance” (Art. 13(5): 0288_FI, EFSA-Q-2010-01028)

The draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The text of the full opinion is published in the EFSA Journal: <http://www.efsa.europa.eu/en/efsajournal/pub/2167.htm>.

10.3 “Peptides isoleucyl-prolyl-proline (IPP) and valyl-prolyl-proline (VPP)” and “helps to maintain normal blood pressure” (Art. 13(5): 0295_FI, EFSA-Q-2011-00121)

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.

10.4 -“KOT products” and “reduction of adipocyte size at the abdominal level” (Art. 13(5): 0294_FR, EFSA-Q-2011-00016)

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 Trans free spreadable fats rich in unsaturated fatty acids and reduction of LDL-cholesterol concentrations (Art. 14_risk reduction: 0245_UK; EFSA-Q-2009-00458)

The draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The text of the full opinion is published in the EFSA Journal: <http://www.efsa.europa.eu/en/efsajournal/pub/2168.htm>.

10.6 Zinc and “prevention of bad breath” (Art. 13(5): 0290_DK; EFSA-Q-2010-01092)

The draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The text of the full opinion is published in the EFSA Journal: <http://www.efsa.europa.eu/en/efsajournal/pub/2169.htm>.

10.7 Collagen hydrolysate and “maintenance of joint health” (Art. 13(5): 0297_DE; EFSA-Q-2011-00201)

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.

10.8 “Combination of bacterial strains *Bifidobacterium bifidum*, *Bifidobacterium infantis*, *Lactobacillus acidophilus* and reduction of the rate of immunity decrease” (Art. 14_risk reduction: 0249_CZ, EFSA-Q-2009-00508)

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.

10.9 “Combination of bacterial strains *Bifidobacterium bifidum*, *Bifidobacterium infantis*, *Lactobacillus acidophilus* and reduction of the damage extent of intestinal microflora” (Art. 14_risk reduction: 0253_CZ, EFSA-Q-2009-00598)

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.

10.10 “Beta-Palmitate” and “increased calcium absorption” (Art. 14: 0092_FR, EFSA-Q-2008-172)

The discussion of this agenda item was postponed to next Plenary meeting.

11. DRAFT ARTICLE 13(1) OPINIONS

The Panel discussed and adopted Article 13(1) claims related to:

- Oat bran fibre (ID 822)
- Fructose (ID 555, 558)
- Creatine and mental performance (ID 1524, 1528)
- Creatine + Beta alanine (ID 1536, 1537, 1538, 1539, 1540, 1543)
- LA + GLA (ID 4274)
- Cranberries (ID 1365, 1841, 2153, 2499, 2770, 3328)
- Lactose (ID 668)

More details on the claims adopted at the meeting are available on the EFSA register of Questions:

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

The adoption of the claims related to soy isoflavones and menopause (ID 1654, 1704b, 2140, 3093b, 3154, 3590), carbonates/bicarbonates and citrates ((ID 330, 331, 1402), red yeast rice (ID 1648, 1700), and creatine and physical performance (739, 1520, 1521, 1522, 1523, 1525, 1526, 1527, 1531, 1532, 1533, 1534, 1535, 1922, 1923, 1924, 1963) were postponed to the next Plenary meeting.

12. DIETARY REFERENCE VALUES FOR PROTEIN (EFSA-Q-2008-468)

A draft opinion was discussed and endorsed by the Panel for release for public consultation subject to the incorporation of editorial changes.

13. Any other business

The minutes of the 40th Plenary meeting were adopted on 30 June 2011.