

**MINUTES OF THE 39TH PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 6 TO 8 APRIL 2011**

PARTICIPANTS

Panel members:

- Carlo Agostoni
- Susan Fairweather Tait
- Albert Flynn
- Ines Golly
- Hannu Korhonen
- Martinus Løvik
- Rosangela Marchelli
- Ambroise Martin
- Bevan Moseley
- Hildegard Przyrembel
- Seppo Salminen
- Yolanda Sanz
- Sean Strain
- 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:

- Noel Griffin (European Commission)

1. WELCOME, APOLOGIES FOR ABSENCE

The Chair welcomed all participants to the plenary meeting.

Apologies for absence were received from Jean-Louis Bresson, Pagona Lagiou, Monika Neuhäuser-Berthold and Stephan Strobel.

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 38th 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 10 related to intense sweeteners, Hans Verhagen 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

On 31 March 2011, EFSA launched a 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**. EFSA is inviting applications from highly qualified scientists from both within and outside Europe with expertise in a wide range of scientific fields covering EFSA's remit. A full information package on the call for expressions of interest is available at the following link: <http://www.efsa.europa.eu/en/scpanels/memberscall2011.htm>. The closing date for application is 31 May 2011.

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 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/comments_efsa_en.htm.

Panel members were informed that the Commission will organise an 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). EFSA staff will participate to this meeting.

With regard to the revision of the Novel Food Regulation, it was reported that the Commission will be presenting a new proposal as soon as possible.

6. NEW REQUESTS

No new request was received since the last plenary meeting.

The Panel agreed on the composition of the Working Group on Food allergy to address previous requests received related to applications submitted pursuant to article 6, paragraph 11 of Directive 2000/13/EC.

7. GENERAL ISSUES ON HEALTH CLAIM EVALUATION

7.1 Outcome of a public consultation on General guidance for stakeholders on the evaluation of Article 13.1, 13.5 and 14 health claims

A technical report on the Outcome of a public consultation of a revised draft guidance document (previously called “Briefing document for stakeholders on the evaluation of Article 13.1, 13.5 and 14 health claims”), which summarise the comments received during the public consultation of this guidance (open from 17 May 2010 – 1 June 2010) was presented, discussed and subsequently endorsed by the Panel. The technical report will be published together with the “General guidance for stakeholders on the evaluation of Article 13.1, 13.5 and 14 health claims” in April 2011.

7.2 Finalisation of Article 13 list claims

On 8th April 2011, EFSA has published the 4th series of Art 13(1) ‘general function’ health claims, which enclosed 442 ID in 63 opinions that were adopted at the November 2010 and the January 2011 Plenary meetings or by written procedure in this period.

By now 2187 ID-claims have been adopted and published. EFSA will finalise the evaluation of the remaining 577 ‘general function’ health claims which need to be assessed by June 2011. The next series of publication of adopted Article 13 opinions is foreseen by end of June 2011 covering opinions adopted at the March, April and May 2011 Plenary meetings or by written procedure in this period. There maybe only very few ID claims left for the adoption at the June Plenary meeting and corresponding opinions will be published before the summer break.

7.3 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, no new application was received. By 1 April 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); 13 applications were under evaluation, 103 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, no new application was received. By 1 April

2011, EFSA had received 48 applications under Article 13(5): 5 are under evaluation, 27 were adopted, 13 were withdrawn, and 3 were under validation.

7.4 Remaining issues from adopted Art. 13 opinions at last Panel

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

8. NOVEL FOODS

8.1 “Safety of Fermented Black Beans, Touchi” (EFSA-Q-2009-00765)

The draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The text of the full opinions appears on the EFSA web site, available at: <http://www.efsa.europa.eu/en/efsajournal/pub/2136.htm>

8.2 “Safety of Yeast beta-glucans” (EFSA-Q-2010-00952)

The draft opinion was discussed and adopted by the Panel subject to the incorporation of editorial changes. The text of the full opinions appears on the EFSA web site, available at: <http://www.efsa.europa.eu/en/efsajournal/pub/2137.htm>

8.3 “Safety of Glavonoid®” (EFSA-Q-2009-00749)

Adoption of this opinion was postponed to the next Plenary meeting.

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

9.1 “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. DRAFT ARTICLE 13(1) OPINIONS

The Panel discussed and adopted Article 13 (1) claims related to the following IDs: 9, 215, 221, 222, 223, 314, 315, 316, 317, 318, 319, 322, 325, 332,337, 347, 359, 377, 406, 408, 411, 458, 459, 460, 461, 462, 465, 466, 467, 468, 469, 470, 471, 472, 473, 488, 531, 543, 544, 545, 559, 560, 568, 569, 572, 574, 582, 583, 584, 585, 589, 590, 603, 606, 607, 622, 643, 644, 648, 653, 654, 656, 659, 670, 674, 675, 677, 678, 679, 680, 692, 696, 738, 773, 781, 782, 819, 847, 858, 945, 946, 1104, 1125, 1134, 1136, 1167, 1168, 1174, 1184, 1197, 1199, 1212, 1213, 1214, 1217, 1218, 1219, 1221, 1222, 1233, 1265, 1267, 1277, 1278, 1279, 1283, 1288, 1301, 1309, 1342, 1352, 1357, 1368, 1369, 1370, 1379, 1380, 1381, 1382, 1383, 1385, 1398, 1399, 1401, 1403, 1404, 1406, 1409, 1410, 1411, 1412, 1414, 1421, 1423, 1425, 1426, 1427, 1428, 1429, 1430, 1432, 1437, 1438, 1444, 1447, 1477, 1480, 1482, 1492, 1493, 1494, 1495, 1499, 1513, 1514, 1530, 1574, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1593, 1598, 1599, 1600, 1601, 1613, 1614, 1618, 1625, 1627, 1656, 1667, 1669, 1670, 1698, 1705, 1707, 1711, 1717, 1730, 1732, 1737, 1742, 1746, 1747, 1748, 1760, 1763, 1767, 1777, 1780, 1781, 1792, 1795, 1806, 1814, 1819, 1821, 1822, 1837, 1842, 1855, 1859, 1860, 1864, 1871, 1879, 1884, 1894, 1908, 1910, 1926, 1933, 1935, 1944, 1950, 1951, 1952,

1954, 1974, 1981, 1985, 1997, 1998, 2000, 2004, 2005, 2024, 2028, 2039, 2040, 2041, 2042, 2044, 2095, 2124, 2126, 2127, 2137, 2141, 2157, 2159, 2175, 2191, 2212, 2213, 2223, 2243, 2244, 2325, 2329, 2331, 2332, 2333, 2336, 2337, 2380, 2435, 2487, 2504, 2514, 2552, 2556, 2638, 2652, 2717, 2727, 2743, 2750, 2752, 2753, 2759, 2773, 2788, 2796, 2825, 2833, 2861, 2870, 2885, 2886, 2887, 2894, 2899, 2900, 2902, 2911, 2916, 2917, 3072, 3075, 3076, 3077, 3080, 3087, 3101, 3127, 3128, 3129, 3131, 3137, 3153, 3157, 3158, 3164, 3193, 3516, 3519, 3595, 3636, 3659, 3667, 3687, 3692, 3726, 3972, 4037, 4038, 4041, 4042, 4044, 4080, 4112, 4191, 4192, 4193, 4202, 4223, 4226, 4236, 4241, 4243, 4247, 4248, 4252, 4253, 4254, 4270, 4276, 4278, 4288, 4290, 4298, 4299, 4302, 4305, 4309, 4313, 4335, 4406, 4407, 4501, 4509, 4662, 4663, 4664, 4670, 4672, 4684, 4691, 4693, 4698, 4704, 4709, 4712, 4718.

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>

12. Any other business

The minutes of the 39th Plenary meeting were adopted on 13 May 2011.