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Health and Food Safety Directorate General

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Standing Committee on Plants, Animals, Food and Feed**Section *General Food Law*****16 October 2025**

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SUMMARY REPORT

A.01 Exchange of views of the Committee on a notification by Belgium of a draft Royal Decree amending the Royal Decree of 31 August 2021 on the manufacture and marketing of foodstuffs composed of or containing plants or plant preparations (2025/0342/BE).

The Belgian authorities presented a draft measure updating the annex to the Royal Decree of 31 August 2021 on the manufacture and marketing of foodstuffs composed of or containing plants or plant preparations. The annex consists of a list of plants prohibited for use in foods, a list of permitted edible mushrooms, and a list of plants allowed in the manufacture of food supplements, in the absence of EU harmonised rules. During the exchange of views, some Member States requested clarification on the applicability of mutual recognition. Belgium confirmed that a mutual recognition clause is included in the Royal Decree of 2021.

The Commission informed the Committee that the assessment of the notified measure under Article 45 of Regulation (EU) No 1169/2011 and under Article 12 of Regulation (EC) No 1925/2006 is ongoing. The three-month and six-month standstill periods end on 14 December 2025 and 14 March 2026, respectively.

A.02 Exchange of views of the Committee on a notification by Finland of a draft Decree amending the Ministry of Agriculture and Forestry Decree on the fortification of skimmed homogenised milk with vitamin D (2025/0503/FI).

The Finnish authorities presented a draft measure amending the Ministry of Agriculture and Forestry Decree, which requires the fortification of skimmed milk with vitamin D. The draft measure extends the mandatory vitamin D fortification from skimmed milk to include skimmed buttermilk, allowing for organic buttermilk to be fortified with vitamin D. During the exchange of views, in response to a request from a Member State, Finland clarified that organic milk and buttermilk fortified with vitamin D according to Finnish rules can be sold as organic in another Member State, provided that the Member State has the same mandatory fortification rules for vitamin D.

The Commission informed the Committee that the assessment of the notified measure under Article 12 of Regulation (EC) No 1925/2006 is ongoing. The six-month standstill period ends on 5 March 2026.

A.03 Exchange of views of the Committee on the legal regime applicable to tobacco-free nicotine pouches following questions from Germany and Finland.

In recent years, the increasing use of tobacco-free nicotine pouches, particularly among young people, has raised various questions and interpretations concerning their legal status among Member States. At the request of two Member States an exchange of views was held on the legal regime applicable to tobacco-free nicotine pouches.

The Commission expressed the opinion that tobacco-free nicotine pouches do not fall under the Tobacco Directive, as they do not contain tobacco leaves, dust, stems or any partial constituents of the tobacco plant. Regarding their possible classification as “food” the Commission referred to Article 2 of Regulation (EC) No 178/2002, which defines food as *“any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans”*. The definition of food explicitly includes chewing gum, which is not intended to be ingested while excluding tobacco and tobacco products as well as medicinal products. The Commission noted that nicotine is intended or reasonably expected to be absorbed by humans and that nicotine pouches are currently presented as an alternative to tobacco products. Moreover, the scientific advice provided by EFSA in the food acquis is premised on the fact that food is intended to be ingested.

Consequently, since nicotine pouches are not intended to be ingested, chewed or swallowed, the Commission concluded that tobacco-free nicotine pouches do not qualify as foods. Therefore, the Novel Food Regulation does not apply to them. Similarly, these products are not notifiable under the Rapid Alert System for Food and Feed (RASFF), which is an established network for the notification of a direct or indirect risk to human health deriving from food or feed. Where such products do not qualify as medicinal products, they would be subject to the General Product Safety Regulation. Member States can also regulate the placing on the market of such products in the absence of specific Union legislation.

One Member State advocated a broader interpretation of the General Food Law definition of ‘food’ to allow regulatory oversight of such products under the Union food acquis. Eight Member States supported the Commission’s view that tobacco-free nicotine pouches cannot be considered as foods.

Three Member States requested the Commission to clarify its views also on pouches containing other substances, such as ‘caffeine’. The Commission clarified that as such pouches were not intended to be ingested, but their content was intended to be absorbed, they would not be regulated under the EU food acquis. To the extent that they are not covered by the pharmaceutical legislation, they would fall under the General Product Safety Regulation. Member States may take national measures to regulate the presence of such products on the market in the absence of an EU harmonising measure.

Finally, the Commission reminded that in the event of a dispute involving EU law it is for the Court of Justice of the European Union provide a definitive interpretation of EU law.

A.04 Exchange of views of the Committee on the use of microfiltration in the context of Directive 2009/54/EC on the exploitation and marketing of natural mineral waters.

An exchange of views was held with the Member States on the topic of microfiltration as a treatment for natural mineral waters.

Among the eight Member States that took the floor, four reported that microfiltration is not permitted in their respective countries, while four others have authorised different pore sizes for microfiltration. Additionally, two Member States have published explanatory notes to assist food business operators. Two Member States requested the re-establishment of the expert group on natural mineral waters.

The Commission representative reiterated that Directive 2009/54/EC does not include any provisions on the use of microfiltration and emphasised that any treatment should not alter the composition of the water as regards the essential constituents which give it its properties. The Commission noted that before considering seeking EFSA views, as requested by many Member States, collection of further data on the impact of microfiltration would be necessary. In this context, the Commission informed the Committee that it does not intend to initiate work on the revision of the Directive.

M.01 Request from Ireland to present their proposal to deal with the implications for Irish Food Business Operators arising from the UK amendments to Bread and Flour Regulations.

During the Committee meeting on 19 September 2025, held under the section Novel Food and Toxicological Safety of the Food Chain, the Irish authorities explained the difficulties food business operators might face in complying with the amendments to the UK Bread and Flour Regulations due to the accelerated timeline for implementation. To manage that timeline, Ireland was seeking potential pragmatic and proportionate solutions to address food business operators' concerns while maintaining transparent food information to consumers.

In this context, following feedback from other Member States and the Commission during the September meeting, the Irish authorities presented their proposed solution to provisionally deal with the labelling implications of the UK amendments to bread and flour Regulations, namely sticking a new list of ingredients and nutrition declaration above the existing ones. Neither the Member States nor the Commission objected to the solution proposed by Ireland.

M.02 Request from Austria and the Netherlands on the state of play on setting minimum and maximum amounts of vitamins and minerals added to foods including food supplements.

Member States highlighted the importance of setting harmonised maximum amounts of vitamins and minerals added to foods including food supplements in order to ensure consumer safety. The Commission informed that for the time being it continues its internal reflection on the way forward. Work is currently at a technical preparatory phase.

M.03 Request from Spain for an update on the work regarding children claims and on the ongoing cases under Article 8 of Regulation (EC) No 1925/2006.

The Commission recalled that Member States requested the Commission to resume work on children claims in 2023. Discussions on this topic were re-launched at the joint working group meeting on food for specific groups and claims in February 2024. Internal reflection on the best way forward is ongoing and discussions with Member States may be pursued within the context of the technical working group.

The Commission informed the Committee on the state of play of the ongoing procedures under Article 8 of Regulation (EC) No 1925/2006.