



Expert Group on food intended for infants and young children, food for special medical purposes and total diet replacement for weight control Summary Report

Brussels, 15 May 2013

Chairman: Mr. Basil Mathioudakis

1. Exchange of views on the implementation of the forthcoming Regulation of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control

The Commission opened the meeting by presenting the *timeline* for the adoption of the new Regulation of the European Parliament and the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control (hereinafter 'Food for Specific Groups (FSG) Regulation'). The Commission proposed a timeline for the implementation obligations and deadlines foreseen by this Regulation, stressing that while it will be necessary to work in parallel on different issues, it will be impossible to carry out all the legislative undertakings foreseen by the FSG Regulation simultaneously.

While some delegations raised specific issues that should be considered in the implementation phase, the Expert Group overall supported the general outline of the Commission's approach.

The Commission presented the different measures that will be prepared in the coming months/years. The first issue dealt with the transfer of rules on *gluten* under Regulation (EU) No 1169/2011 on the provision of food information to consumers, and how this transfer will be managed. One delegation recalled the importance to ensure the maintenance of the distinction between products naturally free of gluten and products specifically produced, prepared and/or processed to reduce the gluten content of its ingredients or to substitute gluten. The Commission reassured the delegations that the commitments taken during the negotiations on the FSG Regulation will be respected.

The Commission then focused on presenting the plan for the future delegated act on *infant formulae and follow-on formulae*. A few delegations expressed concerns with regards to flavourings, as well as to the health claim "hypoallergenic", which is currently authorised in infant formula. The Commission noted these comments and recalled that experts should also consider discussing the issue of claims regarding infant formula more generally.

The Commission moved on to presenting the work for the future delegated act on *processed cereal-based foods and baby foods*. Delegations agreed with the Commission's approach to proceed with the adoption of the delegated act based on the current Directive and to engage into a more substantial revision of the rules applicable to these products (in particular those regarding composition) at a later stage due to time constraints.

Then, the Commission presented the plan envisaged for the future delegated act on *food for special medical purposes* (FSMPs) and underlined the importance of a rigorous interpretation of the definition of FSMPs to avoid abuses. One delegation asked the Commission to draft guidelines on the classification of FSMPs and this proposal was supported by several others. The Commission noted this suggestion and called on Member States to make every effort to ensure proper application of the legislation.

Regarding the delegated act on *total diet replacement for weight control*, the Commission stressed that a request for a scientific opinion on these products would be sent to EFSA after the summer break. This scientific opinion would constitute the scientific basis for the delegated act.

Subsequently, experts discussed the establishment of rules regarding absence or reduced presence of *lactose*. It was noted that the wide range of tolerance as discussed in the relevant opinion of EFSA made difficult the choice of a threshold for terms like "low-lactose" or "very low lactose". One delegation proposed that as a first step, rules solely for "lactose-free" statements could be set on the basis of detection levels. Some delegations were in favour of this approach, but underlined that there may be technical difficulties in such a case. The Commission noted these comments and asked Member States to reflect on whether the "lactose-free" statement should appear also on products naturally free of lactose.

Finally, the Commission presented the work on the two future *reports* to be issued under the FSG Regulation, namely the report on milk based drinks and similar products intended for young children and the one on food intended for sportspeople.