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, 23 October 2017

Chair: Mr Jacques Humieres

1. Updates from the Commission

The Commission (COM) welcomed the experts by recalling the context of the meeting: Article 11 of Regulation (EU) No 609/2013 on food intended for infants and young children, food for special medical purposes and total diet replacement for weight control[1] (hereinafter 'FSG Regulation') requires the Commission to adopt delegated acts on the specific compositional and information requirements for the categories of food falling within the scope the Regulation, including baby foods and processed cereal-based foods (PCBFs). The objective of the meeting is to provide an update on the state of play of the preparatory work currently being carried out in the context of a new delegated act laying down specific composition and information requirements for baby foods and PCBFs.

The COM informed the Expert Group of the following issues:

- the Commission Delegated Regulation (EU) No 2017/1798 supplementing Regulation (EU) No 609/2013 as regards the specific compositional and information requirements for total diet replacement for weight control[2] was published in the Official Journal of the European Union on 7 October 2017 and it shall apply from 27 October 2022
- the Administrative guidance prepared by the COM on the submission of dossiers on infant and/or follow-on formula manufactured from protein hydrolysates, which provides detailed information on the procedure for the submission of dossiers, is available for download from the COM`s website[3] and
- the delegated Regulation amending Commission Delegated Regulation (EU) 2016/127 with regard to protein requirements for follow-on formulae as well as the Commission Notice on the classification of food for special medical purposes (FSMPs) are in the process of being adopted by the COM.

One Member State noted that enforcement of the legislative framework applicable to FSMPs in particular the right classification of the products placed on the market as FSMPs still remains challenging for both the national competent authorities and local control authorities, therefore a specific training course on FSMPs in the framework of the Better Training for Safer Food initiative of the European Union would be of great use.

[1] OJ L 181, 29.6.2013, p. 35
[2] OJ L 259/2, 7.10.2017, p.2
[3] https://ec.europa.eu/food/sites/food/files/safety/docs/fs_ln_spec-group_admin-guidance-infant.pdf

The COM suggested making this proposal as part of the consultation process that would be soon launched to identify the training priorities for the next year.

The COM gave an update in the form of a presentation on the work currently being carried out in the context of preparation of a new delegated act on baby foods and PCBFs.

Following the presentation the Member States` experts who took the floor welcomed the work that has been undertaken in the context of a comprehensive review of the rules laid down for baby foods and PCBFs which is of crucial importance, since such foods are intended for one of the most vulnerable groups of consumers. It was also highlighted that the market of baby foods has significantly evolved during the last years and that it offers a number of baby foods which do not respond to the nutritional requirements of this age group.

Following rejection by the European Parliament, in preparation of a new delegated act required under the FSG Regulation on baby foods and PCBFs, in order to collect useful data and information on the market of weaning foods as well as the existing national and international food based dietary guidelines and recommendations in the context of infant and young child feeding, the Commission services commissioned the Joint Research Centre (JRC) to carry out a study whose outcome would feed into the work on the general review of the compositional requirements laid down in Directive 2006/125/EC[4].

2. Joint section with the Joint Research Centre

The JRC presented to the experts the first findings of the study.

Following the presentation, some Member States' experts noted that data on the nutrient content of products placed on the market as baby foods and PCBFs could be expressed per portion size/consumption unit rather than per 100g/ml of the products. One Member State highlighted that the macronutrient content of products should be closely looked into in the context of the market research with particular attention to the added sugar and saturated fat content of the products. It was also added that such information is of great use for the consumers and should therefore be indicated on the labels of the products. One Member State noted that a number of baby foods placed on the market seem to reflect the popular diet trends, such as vegan and vegetarian diets, and that the older the children are the more they are exposed to such fashionable products. Some Member States asked for clarification on the work envisaged in the context of the JRC study as well as in the preparation of the future delegated act.

The JRC took note of the comments and asked the Member States to provide them with suggestions on how the findings of the study would be more useful to them. The JRC also asked Member States whether they would be interested to work on a case study to assess the actual effect of consuming the products that are available on the market based on real consumption data that may be obtained from Member States. As far as the future work is

[4] Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children, OJ L 339, 6.12.2006, p. 16

concerned the JRC explained that once the study is finished a final report is going to be drafted which will then be presented to and discussed with the Member States and the COM.

The COM further explained that after the study is finalised the COM will discuss appropriate compositional requirements with the Member States on the basis of the outcome of the study. In view of this, the next Expert Group meeting is foreseen after the delivery of the JRC study next year. EFSA, in its role of a risk assessor, will then be mandated to deliver its scientific opinion on the proposed compositional requirements.