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, 30 October 2013

Chairman: Mr. Basil Mathioudakis

1. Exchange of views on EFSA's scientific opinion on nutrient requirements and dietary intakes of infants and young children in the European Union (EFSA-Q-2013-00263)

The Commission presented the EFSA's opinion on nutrient requirements and dietary intakes of infants and young children in the EU. Experts were asked to provide comments on the opinion in preparation of the 35th meeting of the Codex Alimentarius Committee on Nutrition and Food for Special Dietary Uses.

Different aspects of the opinion were discussed. However, the fact that the opinion was published short before the date of the meeting of the Expert Group did not allow experts to come up with clear and finalised positions. The Commission noted that the issue would be further discussed in other occasions.

2. Exchange of views on the delegated act on infant formulae and follow-on formulae

The Commission introduced the issue of the ***labelling*** provisions for infant formulae and follow-on formulae in the future delegated act. Member States generally supported the Commission's proposal to maintain the current legislative approach whereby these foodstuffs should comply with labelling requirements applicable to foods for normal consumption, as foreseen by Regulation (EU) No 1169/2011 on the provision of food information to consumers (hereinafter 'FIC Regulation'), and in addition with requirements specific for these products.

Discussions, then, took place on the ***nutrition declaration*** of infant formulae and follow-on formulae. Member States generally supported requiring nutritional information for the product "ready for use" as it is the case today. Of the delegations that intervened, a few argued that allowing additional information for the product "as sold" on a voluntary basis would be useful in the context of hospitals where large quantities of formulae have to be prepared.

Different views were expressed by Member States on the possibility to require provision of information on saturates, sugars and salt in infant formulae and follow-on formulae in order to ensure consistency with Article 30(1) of the FIC Regulation and to allow comparability between products (in particular with respect to salt). One point raised by delegations was that, if required, operators should also indicate the amounts of the specific nutrients in the product (e.g. lactose). The Commission took note of these positions.

The inclusion in the nutrition declaration of infant formulae and follow-on formulae of information on vitamins, minerals and other substances was also discussed among experts. Delegations supported the Commission's proposal to maintain the mandatory labelling of

substances for which the addition is required by legislation. Different views arose from experts regarding the indication of amounts of ***vitamins and minerals*** as percentage of reference intakes in follow-on formulae. The Commission took note of these positions.

Experts supported the Commission's proposal to maintain the mandatory inclusion on the label of the statements regarding the suitability of infant and follow-on formulae, as outlined today by Articles 13(1)(a) and 13(1)(b) of Directive 2006/141/EC with minor adjustments.

In addition, the Commission proposed to maintain in the delegated act the provision outlined in Article 13(1)(e) of Directive 2006/141/EC regarding instructions for preparation, storage and disposal, as it is more specific than the provision laid down in the FIC Regulation concerning instructions for the appropriate storage and use of the product. Delegations supported this approach.

Experts also supported the transfer in the delegated act of the other labelling provisions currently required by Article 13 of Directive 2006/141/EC.

The Commission then introduced the issue of ***nutrition and health claims***, by recalling that while infant formulae may bear nutrition and health claims only in the cases listed in Annex IV of Directive 2006/141/EC, and in accordance with the conditions set out therein, claims on follow-on formulae have to comply with the rules of Regulation (EC) No 1924/2006. Member States were in favour of maintaining stricter provisions for claims on infant formulae than on follow-on formulae. Subsequently, the Commission asked whether and how the exhaustive list of claims for infant formulae should be revised. There were diverging opinions with regards to which claims should be allowed on these products.

Discussions then moved on to the issue of claims submitted in the context of the implementation of Regulation (EC) No 1924/2006 on ingredients that are mandatorily added to follow-on formulae. Different views were expressed, but the Expert Group generally supported the idea of authorising these claims, provided that consumers are not misled and full information is given to them regarding the fact that the characteristic being claimed belongs to the entire category of products, rather than to the specific product.