



## **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, 10 October 2014

Chairman: Mr Basil Mathioudakis

#### **1. & 2. Presentation of the Working Document (already presented to stakeholders) on young-child formulae and presentation of the stakeholders' positions on the Working Document**

The Commission welcomed the experts by recalling the context of the meeting: Article 12 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 requires the Commission to present a report to the European Parliament and to the Council, after consulting the European Food Safety Authority (EFSA), on the necessity, if any, of special provisions for milk-based drinks and similar products intended for young children (hereinafter "young-child formulae").

The Commission recalled that after having consulted EFSA (which adopted two opinions on the subject) it carried out a consultation with national competent authorities and relevant stakeholders/NGOs on a series of aspects related to young-child formulae. The summary of the consultation together with possible options for future action were included in a Working Document that was presented to stakeholders/NGOs in a meeting of the Working Group of the Advisory Group on the Food Chain and Animal and Plant Health on young-child formulae that took place on 19 September 2014.

The Commission presented to the experts the same Working Document that was discussed with stakeholders/NGOs on 19 September and debriefed the experts about the outcome of the discussion. More information on the meeting of 19 September (including access to the Working Document and the minutes of the meeting) can be found at this link:

[http://ec.europa.eu/dgs/health\\_consumer/dgs\\_consultations/working\\_groups\\_2014\\_en.htm](http://ec.europa.eu/dgs/health_consumer/dgs_consultations/working_groups_2014_en.htm)

### 3. Exchange of views

The Commission asked Member States' experts to provide their views on the different Options for future action that were identified by the Commission services:

- Option 1: No specific legislation for young-child formulae;
- Option 2: Adoption of specific rules for young-child formulae;
- Option 3a: Extension of existing requirements applicable to baby foods to cover young-child formulae;
- Option 3b: Extension of existing requirements applicable to follow-on formulae to cover young-child formulae.

The Commission asked experts to provide their views on the different options taking into account the conclusions of EFSA and focusing on the expected impacts of the options (positive and negative) for: consumers' protection; consumers' choice (i.e. variety of products being offered to consumers), information and behaviour; free circulation of young-child formulae in the Internal Market; access to the EU market from third countries operators; competitiveness of enterprises, operating costs, especially SMEs; development of innovative products; price of young-child formulae; legal clarity, administrative burden for operators (especially SMEs) and national authorities; enforcement by national authorities.

Before opening the floor for comments, the Commission noted that the report should focus on whether young-child formulae should be covered by specific legislation or not, rather than expressing a judgment on the products themselves. In this context, the Commission recalled that an increasing number of young-child formulae is already on the market in 26 Member States; that these products target a vulnerable group of consumers and that their ban would be unrealistic and unjustified on the basis of the information available.

The majority of the Member States who intervened supported Option 3b, namely to include young-child formulae in the concept of follow-on formula and to extend a core of requirements applicable to follow-on formulae to them. Three Member States showed flexibility to accept Option 3b, even if it is not their preferred option at this stage (their position is not finalised). Three Member States expressed preference for Option 1, namely to leave young-child formulae without specific legislation, but added that their position is still being developed. No Member State supported Option 2 or Option 3a.

Those Member States in favour of Option 3b used as arguments:

- The increased level of consumer protection that Option 3b would ensure, combined with the elimination of the risk of Member States adopting legislation at national level and the limited disruption that this Option would cause to the market;
- The fact that certain national authorities already verify composition of notified young-child formulae on the basis of the requirements laid down in Directive 2006/141/EC for follow-on formula, so that Option 3b would be easy to enforce;
- The consistency with the existing CODEX Alimentarius Standard 156-1987 for Follow-up Formula, which defines the products as "*a food intended for use as a liquid part of the weaning diet for the infant from the 6<sup>th</sup> month on and for young children*";

- The possibility that Option 3b would offer to better regulate the marketing of young-child formulae and avoid the use of statements comparing young-child formulae's composition to that of cows' milk, in a way that would result as detrimental to the latter.

Those Member States in favour of Option 1 noted that young-child formulae are not necessary for young children, as highlighted by EFSA, and expressed their concern that the adoption of legislation would enhance the status of these products and indirectly make their use increase.

The Commission took note of all the comments raised by the experts during the meeting and closed the discussions by noting that all the feedback received will help proceed with the finalisation of the report.