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, 12 March 2019

Chair: Ms Stephanie Bodenbach

1. Welcome

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] requires the Commission to adopt delegated acts on the specific compositional and information requirements for the categories of food falling within the scope of the Regulation, including baby foods (BF) and processed cereal-based foods (PCBF). The COM explained that the objective of the meeting was to have an exchange of views on the possible options for the categorisation of BF and PCBF and on the compositional requirements to be laid down for such food in the future delegated act.

The COM announced the possibility of creating a task force on technical issues to contribute to the work on setting compositional requirements for BF and PCBF in the future delegated act. The outcome of the work to be carried out in the task force led by the COM would be presented to the experts of the Expert Group for their consideration. The COM invited Member States` experts to express their interest in taking part in the exercise in writing after the meeting.

2.1. Exchange of views on the possible options for the categorisation of baby food and processed cereal-based food in the delegated act

The COM presented in detail to the experts the document sent to the Expert Group prior to the meeting to support the discussion under this agenda item.

Following the presentation, Member States were asked to share their views on the proposed approach for categorising BF in the future delegated act, on the proposed sub-categories as well as on the options identified in the supporting document. Member States in general welcomed the document and considered it as a good basis for further discussions. Many Member States` experts who took the floor sympathised with the approach to base the categorisation of BF on the scheme of food-based dietary guidelines i.e. on recommended food groups. Some Member States commented on the principles that could guide the decision of which food categories to include in the future delegated act, especially on the particular benefits, BF and PCBF might have for the target group as compared to ordinary foods. While most of the Member States seemed to support the proposed categories, there were divergent views on the necessity to create a sub-category for legumes-based products. Regarding the identified options, some Member States expressed their preference for the proposal to create a sub-category for baby foods that would fall outside the identified food groups, provided that the labelling and general compositional requirements are carefully set.

[1] OJ L 181, 29.6.2013, p. 35

The COM invited Member States` experts to send their comments and official positions on the abovementioned points in writing following the meeting.

2.2. Exchange of views on the compositional requirements to be laid down for baby food and processed cereal-based food in the delegated act

The COM presented in detail to the experts the documents sent to the Expert Group prior to the meeting to support the discussion under this agenda item.

Following the presentation, Member States were asked to share their views on different points captured in the supporting documents. As regards the different options proposed for setting maximum limits for micronutrients if added to BF and PCBF, Member States were in principle supportive of the idea to revisit the values set in Directive EC/2006/125 for those nutrients whose theoretical intake from BF and PCBF alone could exceed the respective Upper Tolerable Intake Levels (ULs) for young children. However, some Member States highlighted that more time would be needed for them to look into the actual calculation methods presented in the working document. One Member States added that the revision of other maximum limits set for nutrients for which no ULs have been established by EFSA, such as the maximum limit iron) might also need to be considered.

As regards the different options proposed for setting minimum requirements for micronutrients, while most of the delegations were not able to take a position on the matter, some Member States expressed their preference for the option proposing the mandatory fortification of BF and PCBF with (only) those nutrients whose intake might be inadequate by the target group.

With regard to the macronutrient content of BF and PCBF, most of the Member States were not in a position to comment on the proposed maximum limits. Some delegates sympathised with the COM`s proposal on the protein content in PCBF while some others supported the general idea to limit the total sugar content to 10% of the energy in BF and PCBF. It was noted that when reflecting on the requirements for fat content the fatty acid profile of BF and PCBF should also be considered.

The COM invited Member States` experts to send their comments and official positions on the abovementioned items in writing following the meeting.

3. AOB

Upon request of a Member State the COM gave an update on the ongoing process to amend the maximum vitamin D and erucic acid level permitted for infant and follow-on formula formula by delegated Regulation 2016/127[2]. The COM informed the Expert Group that the draft delegated Regulation had been adopted by the COM and it is being scrutinised by the Council and the Parliament.

[2] Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formulae and follow-on formulae and as regards requirements on information relating to infant and young child feeding, OJ L 25, 2.2.2016, p. 1.

One Member State raised concerns on the COM`s intention to establish maximum levels for contaminants in "other foods (labelled) for infants and young children", not falling within the scope of Regulation (EU) No 609/2013. The COM noted that it would follow-up on this matter with colleagues in charge of the contaminant legislation.

Following the request of another Member State, Member States' experts exchanged views on the history of use of coenzyme Q10 in foods including FSMPs.