



## **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, 13 September 2013

Chairman: Mr. Basil Mathioudakis

### **1. Exchange of views on the future delegated act on Food for Special Medical Purposes (FSMPs)**

The Commission presented the issue of the *classification* of food for special medical purposes (hereinafter 'FSMPs') (Article 1(3) of Directive 1999/21/EC on dietary foods for special medical purposes). In order to maintain legal clarity, the Commission explained its intention to keep the three categories provided by this Article in the future delegated act. Member States supported this approach. The delegations pointed out that an increasing number of products notified as "nutritionally incomplete" FSMPs (Article 1(3)(c)) raise serious doubts as to their compliance with the definition for the category. The Commission reassured Member States that it is aware of this problem and that it will consider how to tackle it potentially in a guidance document.

The Commission then introduced the issue of *labelling requirements* for FSMPs. Delegations supported the Commission's approach according to which FSMPs should comply with labelling requirements foreseen for food for normal consumption (as laid down in Regulation (EU) No 1169/2011 on the provision of food information to consumers (hereinafter 'FIC Regulation')) and, in addition, with the requirements specific to this category of foodstuffs (that will be laid down in the future delegated act). In this context, the discussion moved on to the nutrition declaration of FSMPs. In particular, it was discussed whether information on saturates, sugars and salt should be mandatorily provided for FSMPs, as the FIC Regulation requires for food for normal consumption, or not. Delegations were generally in favour of requiring mandatory indication of saturates and sugars. Of the delegations that intervened, most were also in favour of mandatory indication of salt together with that of sodium.

With regards to the labelling of vitamins and minerals for FSMPs, the Commission sought Member States' view on how this information should be provided. Delegations underlined that some differences from food for normal consumption should be envisaged, taking into account the specific nature of these foods. Other labelling requirements (not related to nutrition labelling) were also discussed by Member States. It was agreed that the currently existing specific requirements should be maintained with minor adjustments if necessary.

Subsequently, the Commission presented certain issues related to *FSMPs for infants*. Given that EFSA's revision of the compositional requirements for infant formulae and follow-on formulae is ongoing, the Commission proposed to ask EFSA to confirm whether the new values that will be recommended for vitamins and minerals in infant and follow-on formulae could in principle be valid for FSMPs for infants (as it was explained by the Scientific Committee for Food in 2003). Delegations were in favour of this approach.

Additional requirements for FSMPs for infants were discussed among Member States. The Commission recalled that given the increasing number of products that are incorrectly marketed as FSMPs for infants, Regulation (EU) No 609/2013 on food for specific groups requires the Commission to review what specific measures should apply to these products. Bearing this in mind, delegations were, in particular, asked to reflect on which requirements applicable to infant formulae and follow-on formulae (i.e. on pesticides, labelling, presentation, advertising and promotional and commercial practices) should also apply to FSMPs for infants. Experts agreed that rules on pesticides applicable to infant formulae and follow-on formulae should also apply to FSMPs for infants. It appeared from the discussions that further consideration would be needed on other requirements.

Experts finally discussed *other provisions* for FSMPs, i.e. general principles and requirements (as laid down by Article 3 of Directive 1999/21/EC), sales denominations (Article 4(1)), and the notification procedure (Article 5).

## **2. Exchange of views on the future delegated act on processed cereal-based foods and baby foods**

The Commission described to the delegations the general approach it intends to follow in the future delegated act on processed cereal-based foods and baby foods regarding the *labelling* provisions for these products.

More specifically, the Commission explained that requirements applicable to food for normal consumption (as set out in the FIC Regulation) should apply to processed cereal-based foods and baby foods and that, in addition, specific requirements should be foreseen for these foods where necessary. Member States supported the Commission's proposal, as well as the proposal to require mandatory nutrition labelling on saturates, sugar and salt in addition to the currently existing requirements set out by Article 8(1)(c) of Directive 2006/125/EC.

Other labelling requirements were also brought by the Commission to the attention of Member States and discussed.