

14 September 2021

**CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL  
DIETARY USES**

**42<sup>nd</sup> Session**

**Virtual**

**19 – 25 November and 1 December 2021**

**European Union Comments on**

**Agenda item 4b**

**Review of the Standard for Follow-Up Formula (CODEX STAN 156-1987)**

**(CX/NFSDU 21/42/5, CL 2021/54/OCS-NFSDU)**

*European Union competence*

*European Union vote*

This document provides specific comments on each recommendation made by the Chairs of the eWG in document CX/NFSDU 21/42/5 with respect to the draft product definition of drink/product for young children with added nutrients or drink for young children and the nitrogen to protein conversion factors.

**Recommendation 1 (Definition for ‘Drink/Product for young children with added nutrients’ and ‘Drink for young children’)**

The EU supports the Chairs’ recommendation that the Committee should not consider additional options for modifying the text within the definition or an alternative definition. As to the proposed options, the EU supports option 2, i.e. the deletion of the text in square brackets “~~which may contribute to the nutritional needs of young children~~”.

As the EU already mentioned during the previous consultations, the European Food Safety Authority (EFSA) issued scientific advice on young child formulae in 2013, in which it noted that these products have "*no unique role*" and "*cannot be considered as a necessity to satisfy the nutritional requirements of young children*" when compared to other foods that may be included in their normal diet.

The EU is therefore of the view that the proposed definition (under option 2) sufficiently describes the intended role of the products in the diet of the target group and the purpose they have been manufactured for (i.e. that they are liquid elements in the diversified diet of young children).

## **Recommendation 2 (Nitrogen to protein conversion factors)**

The EU supports the Chairs' recommendation that the Nitrogen Conversion Factor (NCF) of 6.25 is retained in the Standard, due to the following reasons:

- Based on the conclusions of the JEMNU Expert Panel, it appears that further research would be needed to determine the most appropriate NCFs for protein sources used in the manufacture of formulas that would delay the completion of the review of the Standard for Follow-up Formula.
- The EU is of the view that a NCF for follow-up formula for older infants and Drink/Product for young children with added nutrients or Drink for young children cannot be considered in isolation from infant formula. Indeed, the conclusions of the JEMNU Expert Panel apply to both follow-up formula and infant formula and currently the same NCF is used for all products. In this context the EU notes that at EU level the default conversion factor of 6.25 is to be used for all products concerned (i.e. for infant formula, follow-on formula and young child formula) to calculate the protein content, irrespective of the protein source. If the NCF of 6.25 was changed for follow-up formula for older infants and Drink/Product for young children with added nutrients or Drink for young children, the NCF for infant formula (and that for formulae for special medical purposes) would also need to be scrutinized and adapted, which could not be done in the context of the work on the review of the Standard for Follow-up Formula.
- A change to the NCF would have a number of significant consequences:
  - it would require the re-opening of the minimum and maximum protein levels and potentially that of other macronutrient levels within the draft revised Standard, which would significantly delay the completion of the work;
  - products complying with the revised compositional requirements would need to be re-labelled and/or re-formulated;
  - there would be no default NCF to use for all permissible forms of protein, as the NCFs proposed by JEMNU cover only dairy and soy-based ingredients;
  - infant formula standard would need to be re-opened.