BULLETIN INTENDED FOR INTERESTED PARTIES

Update from the European Commission's Working Group meeting on Foods for Specific Groups, 2 February 2015

The European Commission held its first technical working group meeting of 2015 on Foods for Specific Groups (FSGs) with Member States (MS) on 2 February. A working document presented as a possible draft Commission Regulation listing the issues for discussion was circulated to MS by the Commission shortly before the meeting (see attached). This document was also circulated to interested parties prior to the meeting.

The document focusses on an issue related to the delegated act (DA) that the Commission aims to adopt on:

- Infant Formulae (IF) and Follow-on Formulae (FOF)

The text in the working document is based on the existing provisions of Commission Directive 2006/141/EC. It takes account of EFSA's Scientific Opinion on the essential composition of infant and follow on formula. It does not include provisions on pesticides on which the Commission is still reflecting.

The discussions raised a number of questions from the Commission in respect of the new delegated act of the FSG legislation Regulation (EU) No 609/2013. The date of the next FSG delegated acts meeting is 18 February. We therefore would like to receive information on these questions and your views are requested by **midday Friday 13 February 2015.**

Essential Composition of Infant formula and Follow on Formula

-Infant formula & Follow on formula manufactured from cows' milk or goats' milk proteins or protein hydrolysates (page 20, 21 & 28 of working document) -Mineral Substances

-Infant formula and Follow on formula manufactured from soya protein isolates, alone or in a mixture with cows' milk or goats' milk proteins- (page 21, 22 & 29 of working document) -Mineral substances

- Infant formula- Vitamins (page 22 of working document)

- Follow on formula- Vitamins (page 29 of working document)

Question1:

In its Scientific Opinion (http://www.efsa.europa.eu/en/efsajournal/pub/3760.htm), the European Food Safety Authority (EFSA) proposes minimum amounts of micronutrients for formulae and

noted that these should be considered target values, sufficient for the needs of virtually all healthy infants. EFSA concluded there was no need to provide nutrients in higher amounts and proposed no maximum levels.

They noted that there is a lack of evidence around adverse effects of currently permitted maximum amounts of micronutrients and therefore EFSA do not consider it appropriate to propose maximum values.

On the contrary, the Commission recommends maximums should be set for safety reasons, to avoid indiscriminate addition of micronutrients and to ensure consistency of products across Europe. They suggest a range approach allows manufacturers flexibility, taking into account variability in nutrient sources and shelf-life.

Do you agree with the listed minimum and maximum amounts of vitamins and minerals as currently listed in the working document for infant formula and Follow on formula or should the minimum and / maximum level of particular vitamin(s) or mineral(s) be revised in order to broaden the range of micronutrients that must or could be added to formula? Please provide evidence and reasoning to support your view.

Essential composition of infant and follow-on formulae & Arachidonic acid (ARA)

Question 2:

EFSA's scientific opinion on the essential composition of infant and follow-on formulae (http://www.efsa.europa.eu/en/efsajournal/pub/3760.htm), indicates that there is no necessity to set a specific minimum content of arachidonic acid (ARA), eicosapentaenoic acid (EPA) in infant and follow-on formulae or a specific ratio for DHA: ARA.

The Commission is proposing mandatory addition of Docosahexaenoic acid (DHA) given its essential role in the development of infants, but is not proposing mandatory addition of ARA. However, in the previous legislation (Directive 2006/141/EC) addition of long chain poly unsaturated fatty acids (LCPUFAs) was voluntary and this is still unchanged and it is still permitted to add ARA and other LCPUFAs.

Would this new proposal on DHA lead to any changes to the composition of infant and follow-on formulae products?

Nutrition claim for infant formula and conditions of use of the claim (Annex V page 33 of working document)

Question 3:

"Contains DHA (as required by the legislation for all infant formula)" shall be allowed only for products placed on the market before (5 years after entry into application).

It is proposed to allow use of the claim for a limited period of time, and with a wording that ensures full information to parents and caregivers about mandatory presence of DHA in all formulae.

We would welcome your views on this.

Other issues discussed at the Working Group meeting

"Growing up Milk" /"Young child formulae"

Question 4:

On 20 July 2016 Regulation (EU) No 609/2013 will enter into application. Directive 2009/39/EC will be repealed and the concept of "dietetic food" will disappear. In the absence of specific legislation, young-child formulae notified today as "dietetic foods" would be considered as foods for normal consumption targeting a specific sub-group of the population (i.e. young children) and would have to comply with the existing relevant rules of EU food law, and in particular with the legislation on fortified foods, nutrition and health claims and food information to consumers.

Your evidence-based views on whether young-child formulae / growing up milk should be the subject of specific regulatory measures or not in the EU after 20 July 2016 would be appreciated.

It would be useful if you could provide arguments in favour or against for the following:

a) the introduction of specific regulatory measures for “growing up milks”/ “Young child formulae”
b) “young-child formulae”/ “growing up milk” subject to the rules applying to Follow-on formulae
c) “young-child formulae”/ “growing up milk” not subject to specific regulatory measures but should comply with existing relevant rules of EU law, in particular the legislation on fortified foods, nutrition and health claims and food information to consumers.

Next meeting
The date for the next FSG delegated acts meeting is 18 February.

Comments

We would welcome your comments on any of the questions raised above or any other aspects of the working document to help with future discussions in this area.

Please e-mail your comments to nutritionlegislation@dh.gsi.gov.uk :

Responses to the questions listed above by **midday Friday 13 February 2014**

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