

# Food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control

2011/0156(COD) - 23/04/2013 - Council position

The Council adopted its position at first reading by qualified majority with regard to the adoption of the Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes and total diet replacement for weight control. The United Kingdom delegation abstained and the German delegation voted against.

The Council's position **introduces several changes to the Commission's proposal and it takes into account almost all of the substantive amendments proposed by the European Parliament in first reading.**

As regards **the scope** of the proposed Regulation, the Council retains:

- the inclusion of the category of **total diet replacement for weight control foods** ;
- the principle that people who are **intolerant to gluten** should be given at least the same level of protection as they receive under the current legal framework;
- the importance of clarifying the **legal status of "lactose-free" statements**;
- the need for Commission reports to **assess** the necessity of provisions regarding : (i) food for sportsmen; (ii) milk-based drinks and similar products intended for young children;
- the inclusion of '**low birth weight and pre-term infants foods**'.

The Council position also takes into account:

- the fact that substances **injurious to health** should be excluded from the composition of categories of food referred in the proposed Regulation;
- the need for the Commission's **technical guidance** to facilitate compliance of food business operators, in particular small and medium size enterprises (SMEs), with the proposed Regulation;
- the application of the **precautionary principle**, as referred to in Regulation (EC) No 178 /2002 of the European Parliament and of the Council;
- the need to restrict, as far as possible, **pesticide residues** in the foods covered by the proposed Regulation;
- the establishment of the **Union list of substances**, as set out in the Annex to the proposed Regulation, that may be added to one or more categories of food and its possible update by means of delegated acts;

- the submission of substances which are **engineered nanomaterials** to adequate test methods;
- the exclusion from the powers to be conferred on the Commission of **adaptations to the definitions** (concerning essential elements of the proposed Regulation to be modified only through the ordinary legislative procedure);
- the fact that the **labelling**, presentation and advertising of food should not attribute properties to food for the prevention, treatment or cure of human diseases;
- the importance of '**breast-feeding**' and extending the prohibition of pictures of infants in the labelling, presentation and advertising of infant formula to the labelling of follow-on formula;
- the **information** to be provided to health care professionals concerning foods and information to be provided on recommendations for appropriate use of the food.

The Council's position further permits the Commission to adopt **implementing acts** to decide whether or not a given food falls within the scope of the proposed Regulation and regardless of the category of food.

The amendments made by Parliament that are **not reflected in the Council position concern particularly:**

- a special emphasis on the safety of the food referred in Article 1 of the proposed Regulation;
- the Union's contribution to the application of appropriate practices for the marketing of breast-milk substitutes in third countries by Community-based manufacturers;
- the food to be absorbed by persons suffering from carbohydrate metabolism disorder ("diabetes");
- providing a temporary authorisation through the same (rapid) procedure as indefinite authorisation;
- the categories of foods for special medical purposes, the elements to be notified for monitoring purposes and the definitions of low calorie food and very low calorie food;
- wording on labelling of food on "normal consumption", which is prohibited.