



## FOOD INTENDED FOR INFANTS AND YOUNG CHILDREN AND ON FOOD FOR SPECIAL MEDICAL PURPOSES

BEUC position on the Commission proposal

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## Summary

In June 2011 the European Commission put forward a proposal to revise the framework legislation on foodstuffs intended for particular nutritional uses ('PARNUTS'). This regulation aims to abolish the concept of dietetic foods and provide for a new framework establishing general provisions only for a limited number of well-established and defined categories of food which are considered as essential for certain vulnerable groups of the population (infant formulae and follow-on formulae, cereal-based foods and baby foods for infants and young children and foods for specific medical purposes).

BEUC and our member organisations support the Commission's proposal to revoke the framework directive but maintain some of the existing specific rules for these specific food categories. We have previously voiced our concern that having a special designation under the current framework directive would exclude certain foods from complying with other important provisions laid down in the horizontal rules which apply to all foodstuffs and could provide loopholes for manufacturers or importers to circumvent other pieces of legislation. We believe that the proposal will lead to a better functioning of the internal market and, ultimately, greater certainty and protection for European consumers. We are, however, disappointed that the proposal does not take the opportunity to tighten up rules on the marketing and promotion of foods for infants and young children.

BEUC welcomes the Commission's proposal to revise the framework legislation on foodstuffs intended for particular nutritional uses ('PARNUTS') which aims to abolish the concept of dietetic foods and provide for a new framework establishing general provisions only for a limited number of well-established and defined categories of food which are considered as essential for certain vulnerable groups of the population (food intended for infants and young children and food for patients under medical supervision).

The evolving food market and legislation in this area has resulted in the current Directive becoming problematic with differing interpretations of its provisions by Member States. There has also been some confusion as to how 'PARNUTS' foods are distinguished from food supplements and fortified foods and how mandatory indications of suitability required under the PARNUTS Directive differ from claims covered by the nutrition and health claims Regulation.

BEUC has previously voiced concern that having a special designation under the current framework directive would exclude certain foods from complying with other important provisions laid down in the horizontal rules which apply to all foodstuffs. The current grey areas which exist could enable certain manufacturers or importers to circumvent compliance with other pieces of legislation. Additionally, we cannot see any justification for the fact that fortified foods (such as breakfast cereals or biscuits for children), low-cholesterol products and certain supplements are notified as dietetic foods in some member states. Such products can and should be dealt with appropriately through horizontal legislation that has been adopted since the framework directive on dietetic foods over thirty years ago (such as the Nutrition and Health claims regulation, Fortification regulation and Food Supplement directive) which is in line with the Commission proposal.

It is essential for consumers that the food they eat is safe but also that the foods they buy do not mislead them about their purported benefits. This is important for all groups but more particularly when the foods are produced for and consumed by vulnerable groups. Having previously examined the various policy options available, BEUC supports the Commission's view that the way forward is to revoke the framework directive but maintain some of the existing specific rules governing certain specific food categories: infant formulae and follow-on formulae, cereal-based foods and baby foods for infants and young children and foods for specific medical purposes. This will result in the maintenance of important provisions laid down in these current specific pieces of legislation where specific compositional criteria are appropriate while, at the same time, ensuring that similar foods can no longer be marketed in Member States as food for particular nutritional uses and/or as food for normal consumption as is currently the case. We believe that this will lead to a better functioning of the internal market and, ultimately, greater certainty and protection for European consumers.

While BEUC supports the proposals within the Commission document, the current revision presents the opportunity to tighten up rules on the marketing and promotion of foods for infants and young children. It is vital that parents have access to neutral, accurate and reliable information when choosing food for their children. Indeed our view is that if an ingredient is proven to provide a benefit without an unacceptable risk by an independent systematic review of all the evidence, then it should be included on the list of essential ingredients and not used as a promotional tool for a select few. We also believe that, given the fact children from one year old can consume the same food as other family members, more focus should be put on to promoting this rather than putting extra pressure on parents to buy specially formulated food products which are more expensive.

*The concept of dietetic foods is no longer necessary*

There is no justification for providing a specific status to other food categories than those categories which are already mentioned above. Therefore, BEUC supports the Commission proposal to restrict specific regulatory provisions to those categories. We agree that the conclusions of the review of other 'potential' categories of dietetic foods (slimming food, sport food) do not justify subjecting those to specific rules anymore.

BEUC holds the view that all other categories of foods could and should be addressed by the other pieces of horizontal legislation governing food composition and labelling issues. As a general rule, the authorisation process laid down in the Nutrition and Health claims regulation should provide for the evaluation of the composition of a product in relation to its claimed nutritional purpose.

*Specific rules governing the specific categories should be maintained*

Specific treatment remains appropriate in the case of the three groups of foods for which specific legislation has already been adopted, in order to ensure continuing food safety and protection to the vulnerable groups they are intended for; in particular:

- Specific compositional criteria which are underpinned by scientific evidence (e.g. minimum and maximum amounts of vitamins, minerals, amino acids etc., specific pesticides residues limits). It is vital that the safety and bioavailability of these nutrients is considered when setting the permitted levels in such foods. It is also essential that nano forms of these nutrients are treated as new ingredients and that specific risk assessments be carried out before their addition to foods in order to determine their safety, bioavailability etc;
- Additional labelling requirements which are justified by consumer protection considerations (e.g. important notice as to the specific nature and particular nutritional characteristics of these products, their target group and intended uses, the necessity of a medical supervision when appropriate, the promotion and protection of breastfeeding practices);
- Particular monitoring requirements which condition the efficient official monitoring of these specific products. BEUC supports a centralised authorisation process and the end of the notification procedure at member state level. This would put an end to similar products being subjected to different levels of constraints and controls, due to discrepancies in interpretation and implementation between member states.

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