

European Union Comments

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Thirty-eighth Session

Hamburg, Germany, 5-9 December 2016

Agenda item 5

Review of the Standard for Follow-Up Formula (CODEX STAN 156-1987) at Step 4

CX/NFSDU 16/38/6

European Union competence European Union vote

The European Union (EU) would like to thank New Zealand, France and Indonesia for their work on document CX/NFSDU 16/38/6. The EU would like to offer the following preliminary general comments as regards Follow-Up Formula for young children.

On 31 March 2016, the European Commission adopted a report on young-child formulae¹ (in CODEX language, "Follow-Up Formula for young children"). In the report, the Commission provided a detailed picture of the market of young-child formulae in the EU and identified a number of issues related to these products. It concluded that, on the basis of the information available, there is no need to lay down specific requirements in the EU legal framework for these products: the correct and complete application of the general framework of EU food law seems sufficient to adequately regulate them.

The report's conclusions are based on the EU situation (both with respect to the market for these products and the legal framework applicable to them) and the EU continues to see the merits of regulating these products in the Codex Standard on Follow-Up Formula, taking into account the differences between the situation in the EU and globally. For this reason, the EU continues to support the relevant work being carried out in CCNFSDU.

As noted in previous meetings of CCNFSDU as well as in previous consultations of the eWG, the EU sees with favour the structured approach proposed by the eWG Chairs (mandatory (core) composition + flexibility for national/regional authorities to establish additional

¹ Report from the Commission to the European Parliament and the Council on young child formulae (COM (2016) 169 final),

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0169&from=EN>

mandatory requirements + possibility for operators to add additional nutrients/substances voluntarily under certain conditions). The EU also supports the three principles developed by the Chairs of the eWG to guide the setting of mandatory compositional requirements for Follow-Up Formula for young children (i.e. contribution to the nutritional needs of young children where the consumption of the nutrient is inadequate on a global scale; contribution of adequate amounts of key nutrients from cows' milk; nutritional quality and integrity of the product). However, the EU believes that the application of these principles should closely take account of the role of Follow-Up Formula in the diet of young children. As the European Food Safety Authority noted in 2013², these products are one of the means to increase intakes of certain nutrients at risk of inadequacy for some young children, but 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. In this context, it must be kept in mind that young children have an increasingly diversified diet, so that the relative contribution of Follow-Up Formula to their energy and nutrient requirements decreases with time.

In light of the above, the EU is of the view that CCNFSDU should exert particular care to make sure that the revised Standard does not become excessively prescriptive and detailed as regards compositional requirements for Follow-Up Formula for young children. The EU would find it difficult to support a Standard that is excessively prescriptive for Follow-Up Formula for young children, given that this would be unjustified from a scientific point of view, and would on the contrary give excessive recognition to the role of the products in the diet of young children. In this context, the EU would like to recall that CCNFSDU³⁷ agreed that the principle of "less prescription" should be a key principle to guide the establishment of the Standard provisions for Follow-Up Formula for young children. This principle is all the more valid given that, in any case, the eWG Chairs propose to leave flexibility to national/regional authorities to require the mandatory fortification of Follow-Up Formula for young children with additional nutrients to meet the specific nutritional needs of young children in their territory.

The EU is confident that CCNFSDU will take a cooperative approach on the matter in order to fruitfully advance during the December meeting.

² European Food Safety Authority, 2013. Scientific Opinion on nutrient requirements and dietary intakes of infants and young children in the European Union. EFSA Journal 2013;11(10):3408,