



The Future of Foods for Particular Nutritional Use

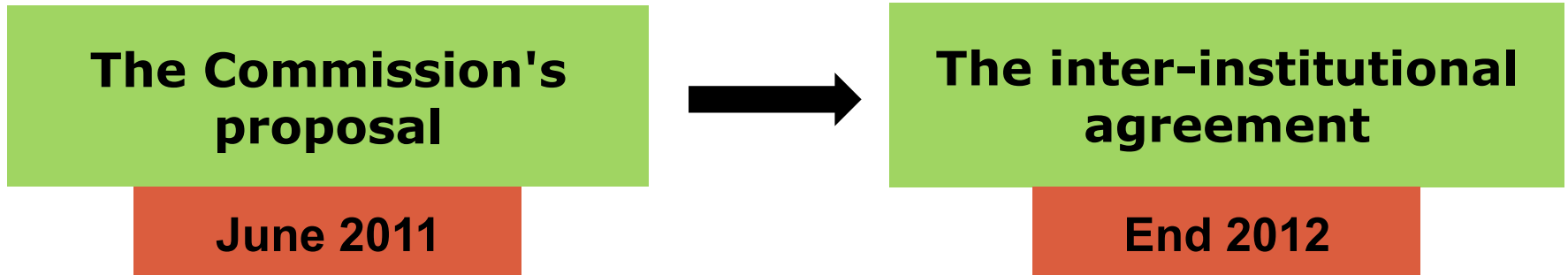
A View from the European Commission

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**Commission's verdict overall
satisfactory**



The Commission's proposal



The inter-institutional agreement

Maintained elements of proposal

- **Concept of 'dietetic food': abolished**
- **Limited scope – vulnerable groups:**
 - Foods for infants, young children and patients under medical supervision + total diet replacement



The Commission's proposal



The inter-institutional agreement

Maintained elements of proposal (2)

- **Better Regulation:**

- Deletion of obsolete rules (e.g. 2-years innovation clause)
- Flexibility with the possibility to adopt specific rules by delegated acts
 - No such possibility for definitions



The Commission's proposal



The inter-institutional agreement

Maintained elements of proposal (3)

- **Better Regulation:**
 - Clarification and consolidation of rules (e.g. Union list)
- **Union list of substances**
 - Clear wording from Council text is retained
 - No implementing act
 - Established in Annex to Regulation
 - Delegated acts to modify list
 - Add/Remove categories
 - Add/remove substances or modify conditions

NB Annex is not empty → no misuse of procedure

New drafting will give COM sufficient discretion (as it should be the case for delegated acts)



The Commission's proposal



The inter-institutional agreement

Maintained elements of proposal (4)

- **Foods not covered by the Regulation are better covered by other EU rules:**
 - No ban of products
 - Claims Regulation for products targeting specific subgroups of the population (e.g. sports foods, meal replacements)
 - Food Information Regulation for:
 - Gluten-free foods
 - Lactose-free foods

Commission should ensure full consumers' information

**The Commission's
proposal**



**The inter-institutional
agreement**

What is new?



The Commission's proposal



The inter-institutional agreement

What is new?

- **Follow on Formulae**
 - New restrictions on use of pictures in labelling
- **FSMPs for infants**
 - Acknowledgment that more rules should apply to reflect the market situation (cf. SCFCAH Conclusions, 22/6/2012)
- **Interpretation decisions**
 - Further restriction on legislation shopping
- **Pesticides**
 - Strong political message for infants and young children



The Commission's proposal



The inter-institutional agreement

What is new? (2)

2 reports for the Commission

- Growing up milks
- Sports foods



Important elements to take into account

- EFSA consultation
- Two years deadline
- Legislative proposal if necessary

Next steps

- **Prepare reports**
 - EFSA's mandate
 - Study needed?
- **Transfer of rules for gluten-free foods**
- **Adjust conditions of use for meal replacement claims**
- **Adopt delegated acts**



Commission

Consultation of experts

Adoption of the delegated act

Notification of the delegated act

RIGHT TO OBJECT

Time-limit (generally 2 months with possible extension for the same period)

Council

Parliament

1) If EP or Council expresses objections

The delegated act cannot enter into force. The Commission may prepare and adopt a new one.

2) If neither EP nor Council has objected or if they have both informed Commission that they don't have the intention to raise objections.

Publication and entry into force of the delegated act

