



**COUNCIL OF
THE EUROPEAN UNION**



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PRESSE 550

Council approves new rules on foods for vulnerable persons

The Council today approved¹ an agreement reached with the European Parliament on foods considered essential for certain vulnerable persons such as babies and young children ([16961/12](#) + [COR 1](#) + [ADD 1](#) + [ADD 2](#))². It herewith confirmed the deal reached between the Cyprus presidency and representatives of the European Parliament on 14 November and paved the way for the formal adoption of the new EU regulation by the European Parliament and the Council.

The new regulation seeks to clarify the legal framework relating to these foods by avoiding the overlap between the specific legislation applicable to such foods and the legislation applicable to normal food. It further aims at closing legal loopholes under the existing system and ensuring that the EU rules on such foods are applied in the same manner in all member states. It thereby contributes to providing legal clarity in the interests of both consumers and producers, and to preventing distortions in the internal market.³

The regulation replaces directive 2009/39/EC on foodstuffs intended for particular nutritional uses and a number of Commission acts implementing this directive.

¹ The decision was taken, without debate, at a meeting of the Transport, Telecommunications and Energy Council in Brussels.

² The UK delegation abstained and the German voted against.

³ Currently, similar foods may be marketed in different member states as food for particular nutritional uses and/or as food for normal consumption addressed to the population in general or to certain sub-groups such as pregnant women, older adults, growing children, adolescents and others. This state of affairs undermines the functioning of the internal market, creates legal uncertainty for authorities, producers and consumers and carries the risk of marketing abuse and distortion of competition.

P R E S S

The new rules cover the following four categories of food:

- infant formula and follow-on formula;
- processed cereal-based foods and baby foods for infants and young children;
- foods for special medical purposes;
- total daily diet foods for weight control.

The regulation defines general compositional and information requirements for these categories of foods and empowers the Commission to adopt delegated acts to establish specific compositional and information requirements for each category of food.

Infant formula and follow-on formula are not allowed to be labelled, presented and advertised in a way that discourages breast-feeding. For the labelling of infant formula and follow-on formula pictures of infants idealising the use of these categories of food are forbidden. Idealising pictures are also proscribed for the presentation and advertising of infant formula.

Foods for sportsmen, milk-based drinks and similar products marketed as "growing up milks" are excluded from the scope of the new rules. The Commission must, however, report on the necessity of rules for these products after having consulted the European Food Safety Authority (EFSA).

The current rules on the use of statements "gluten-free" and "very low gluten" will be covered by regulation (EU) 1169/2011 on the provision of food information to consumers, as will (still to be agreed) rules on the use of statements indicating the absence or reduced presence of lactose in food.

On the procedure

Formally, the Council approved the agreement reached with the European Parliament which later on will be adopted as the Council's first-reading position following the legal-linguistic revision. The file will then be transmitted to the European Parliament for second reading. If the European Parliament approves the Council's position without amendment, the new regulation will be considered as adopted. It will enter into force 20 days after its publication in the Official Journal of the European Union. The main provisions of the regulation must be applied three years after its entry into force, the rest being applicable from the date of entry into force of the regulation or of the delegated acts which have still to be adopted by the Commission.