Amendment 83
Carl Schlyter
on behalf of the Verts/ALE Group

Report **A7-0059/2012**
Frédérique Ries
Food intended for infants and young children and food for special medical purposes
COM(2011)0353 – C7-0169/2011 – 2011/0156(COD)

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) According to the recommendations of the World Health Organization, low-birth weight infants should be fed their mother's own milk. Nonetheless, a small proportion of low birth-weight infants and pre-term infants may have special nutritional requirements which cannot always be met by the mother's own milk or standard infant formulae. Food for such infants should comply with rules applicable to food for special medical purposes, when this kind of food is chosen as the most appropriate formula, taking into account the specific medical situation of the infant. Formula intended for low birth weight or pre-term infants should in any event comply with the requirements of Directive 2006/141/EC.

Or. en

Justification

Protecting breastfeeding in this vulnerable group of infants is particularly important. The percentage of low birth-weight and pre-term infants that might be considered to require supplements of vitamins and minerals in addition to mother's milk, principally the ones with a very low birth weight, is very small (e.g. the number of infants below 1500g is 1% of all UK births). If the formulation of the ENVI report remains unchanged, it might be interpreted as if low birth-weight and pre-term infants would generally or often need special formula. This is not the case, and WHO clearly recommends to feed low-birth weight infants mother's own milk.

Amendment 84
Carl Schlyter
on behalf of the Verts/ALE Group

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Proposal for a regulation
Article 10 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the specific requirements on the use of pesticides in agricultural products intended for the production of such food and on pesticides residues in such food;	(b) the specific requirements on ***restrictions on*** the use of pesticides in agricultural products intended for the production of such food and on pesticides residues in such food; ***these requirements shall include a prohibition on the use of pesticides containing active substances, safeners or synergists classified in accordance with Regulation (EC) No 1272/2008 as mutagen category 1A or 1B, carcinogen category 1A or 1B, toxic for reproduction category 1A or 1B, considered as having endocrine-disrupting properties that may cause adverse effects in humans, or active substances approved as 'candidate for substitution' pursuant to Article 24 of Regulation (EC) No 1107/2009 for the production of foods referred to in points (a) and (b) of Article 1(1);***

Or. en

Justification

In addition to the general requirements regarding pesticide use, as laid down in Article 9 of the ENVI report, stricter rules should apply for food for infants and young children. Infants and young children are especially sensitive to endocrine disruptors or other toxic substances. Such chemicals should therefore not be used in the production process.

Amendment 85
Carl Schlyter
on behalf of the Verts/ALE Group

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COM(2011)0353 – C7-0169/2011 – 2011/0156(COD)

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The advertising of infant formulae and follow-on formulae shall be such that it enables consumers to make a clear distinction between infant formulae and follow-on formulae and avoid any risk of confusion between those categories of products. Member States shall have the right to further restrict or prohibit advertising of foods for infants or young children.

Or. en

Justification

Today, Directive 2006/141/EC on infant formulae and follow-on formulae constraints the advertising of infant formulae. However, consumers might be misled as it is sometimes difficult to differentiate between infant formulae and follow-on formulae. In order not to advantage the use of "special" children food to a normal diet suitable for children, Member States should be given the possibility to further restrict the advertising of foods intended for infants and young children.

Amendment 86
Daciana Octavia Sârbu
on behalf of the S&D Group

Report **A7-0059/2012**
Frédérique Ries
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COM(2011)0353 – C7-0169/2011 – 2011/0156(COD)

Proposal for a regulation
Article 10 - Paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Advertising of infant formulae and follow-on formulae shall be restricted to publications specialising in baby care and scientific publications and shall contain only information of a scientific and factual nature. Member States may further restrict or prohibit such advertising. The advertising of infant formulae and follow-on formulae shall be such that it enables consumers to make a clear distinction between infant formulae and follow-on formulae and avoids any risk of confusion between those categories of products.

Or. en

Amendment 87
Frédérique Ries
on behalf of the ALDE Group
Esther de Lange
on behalf of the PPE Group
Carl Schlyter
on behalf of the Verts/ALE Group
Julie Girling
on behalf of the ECR Group
Kartika Tamara Liotard
on behalf of the GUE/NGL Group

Report **A7-0059/2012**
Frédérique Ries
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COM(2011)0353 – C7-0169/2011 – 2011/0156(COD)

Proposal for a regulation
Article 11 - paragraphs 1 and 2

Text proposed by the Commission	*Amendment*
Article 11	Article 11
Union list of permitted substances	***Establishment of a*** list of permitted substances
1. Vitamins, minerals, amino acids and other substances may be added to food referred to in Article 1(1), provided that such substances meet the following conditions:	1. ***Taking account of Directives 2006/141/EC and 2006/125/EC and Regulation (EC) No 953/2009, the Commission shall be empowered to adopt, no later than ... [2 years after the date of entry into force of this Regulation], delegated acts in accordance with Article 15, in order to insert in Annex -1 a list of vitamins, minerals and other substances which may be added to each category of food referred to in Article 1(1).***
a) they do not, on the basis of the scientific evidence available, pose a safety concern to the health of the consumer; ***and***	
b) they are available for use by the human body.	
2. No later than [2 years after the date of the entry into force of this Regulation],	

the Commission shall establish and subsequently update a Union list of permitted substances that meet the conditions of paragraph 1, by means of implementing Regulations. The entry of a substance in the Union list shall include a specification of the substance, and, where appropriate, specify the conditions of use and the applicable purity criteria. Those implementing Regulations shall be adopted in accordance with the examination procedure referred to in Article 14(2). On duly justified grounds of extreme urgency relating to emerging health risks, the Commission shall adopt immediately applicable implementing acts updating the Union list in accordance with Article 14(3).

2. Vitamins, minerals, amino acids and other substances may be added to food referred to in Article 1(1), provided that such substances meet the following conditions:

a) they do not, on the basis of the ***generally accepted and peer-reviewed*** scientific evidence available, pose a safety concern to the health of the consumer;

b) they are available for use by the human body;

(ba) they are suitable for the nutritional use for which they are intended;

(bb) they have, on the basis of generally accepted scientific evidence, a nutritional or physiological effect.

2a. For substances referred to in paragraph 2 that are engineered nanomaterials, the following additional conditions shall apply:

(a) the condition in point (a) of paragraph 2 has been demonstrated on the basis of adequate test methods; and

(b) their nutritional value and the suitability for the persons for whom they are intended has been shown.

(The replacement of the term "Union list" by "Annex -1"applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

(Paragraph 1 of the Commission text has become paragraph 2 and paragraph 2 of the Commission text has become paragraph 1, with modifications.)

Or. en

Justification

For reasons of legal certainty and transparency, vitamins, minerals and other substances should be included in an Annex to the Regulation itself and not in a separate document which is not part of the Regulation. This would also ensure that the Regulation is continually updated and amended (automatically upon the inclusion of a substance), and would thus render a separate list unnecessary. This Annex should be supplemented and updated through delegated acts.

Given the fact that in Article 4(3) of the Directive 2009/39/EC the Regulatory Procedure with Scrutiny was used for establishing and updating the list, which ensured that Parliament was able to "veto" an inclusion or update, it cannot be acceptable for EP to use implementing acts, which do not provide for such a possibility, for exactly the same power of establishing and updating the list of substances.