MOTION FOR A RESOLUTION

pursuant to Rule 105(3) of the Rules of Procedure


Julie Girling
on behalf of the ECR Group

The European Parliament,

— having regard to the Commission delegated regulation of 2 June 2017 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control (C(2017)03664),

— having regard to Article 290 of the Treaty on the Functioning of the European Union,


— having regard to the European Food Safety Authority’s Scientific Opinion on the essential composition of total diet replacement for weight control³,

— having regard to the motion for a resolution by the Committee on the Environment, Public Health and Food Safety,

— having regard to Rule 105(3) of its Rules of Procedure,

A. whereas more than half (52 %) of the adult population in the Union is overweight or obese⁴; whereas, depending on the country, the proportion of overweight and obese people varies between 30 and 70 % and 10 and 30 % respectively, their share increasing

¹ OJ L 181, 29.6.2013, p. 35.
² OJ L 304, 22.11.2011, p. 18.
with age; whereas the prevalence of obesity has doubled over the past 20 years in many Member States\(^1\);

B. whereas obesity poses one of the biggest challenges in the field of public health; whereas its prevalence threatens quality of life and the stability of national and regional health and social care budgets; whereas adult obesity accounts for roughly 7% of national healthcare expenditure in the Union\(^2\); whereas there are also wider economic costs involved, such as productivity losses owing to sickness and premature death;

C. whereas the prevalence and impacts of obesity require a range of preventive and curative solutions;

D. whereas total diet replacements for weight control (TDRs) are one of the tools available to consumers; whereas unlike ‘fad’ diets, TDRs guarantee substantial weight loss without any deficiency in essential nutrients;

E. whereas fat accumulation is also the underlying process in type 2 diabetes, of which weight gain/obesity is the main cause\(^3\);

F. whereas it is known that weight reduction is the most important component of any diabetes prevention and treatment programme; whereas since the amount of weight lost and the amount of weight loss maintained have a direct effect on the reduction of diabetes development in a group with pre-diabetes, it follows that a method that can deliver a 10% weight loss and weight loss maintenance with a high degree of compliance and a low adverse event rate (such as TDR) should be considered as an option in diabetes prevention programmes\(^4\);

G. whereas ongoing studies in the UK\(^5\), including those funded by the Commission\(^6\), have already illustrated the effectiveness of TDRs in reversing type 2 diabetes;


\(^4\) Christensen, P., Fogelholm, M., Westerterp-Plantenga, M., Macdonald, I., Martinez, A., Handijev, S., Raben, A. (2016). Metabolic outcomes after an 8 weeks low-calorie-diet in overweight, pre-diabetic individuals: the role of gender in the PREVIEW study. In Obesity Facts Vol. 9 (p. 48). This study showed that low-calorie diet (LCD) interventions resulted in weight loss and a decrease in blood pressure, HbA1c and fasting serum insulin (FSI) among pre-diabetic subjects. It also indicated that larger decreases were found in men than in women.

\(^5\) The DIRECT (DIabetes REmission Clinical Trial) study: Remission of type 2 diabetes using non-surgical weight management with low energy liquid diet and long-term maintenance within routine NHS care. This research study, funded by Diabetes UK, is currently investigating whether intensive programmes for weight loss and weight loss maintenance would be beneficial for people with type 2 diabetes, and will run until October 2018. The study builds on a research trial conducted by Newcastle University, which tested LCDs in 11 people with type 2 diabetes. After 8 weeks, these people were found to have reduced amounts of fat in their liver and pancreas, which improved insulin production and put their type 2 diabetes into remission. After 3 months, most participants had maintained normal blood glucose control, showing the effectiveness of LCDs in reversing type 2 diabetes and controlling glucose levels in the long term.

\(^6\) PREVIEW: PREVention of diabetes through lifestyle Intervention and population studies in Europe and around the World. This project, funded by the European Commission, aims to identify the most effective lifestyle interventions for preventing type 2 diabetes in obese or overweight pre-diabetic people. Preliminary findings of this project showed that total diet replacements (TDRs) resulted in weight loss of around 10kg in eight weeks and reduced levels of blood pressure and cholesterol. This in turn resulted in a decrease in insulin resistance, thereby reversing the development of type 2 diabetes.
H. whereas the availability, attractiveness and affordability of TDRs are all important considerations when developing an overall strategy to tackle obesity and type 2 diabetes;

I. whereas the CODEX standard on TDRs\(^1\) has been employed safely and widely in the Union for over 30 years and the current Union rules are aligned to this international standard; whereas, as currently drafted, the delegated regulation contradicts both the composition criteria and labelling requirements of that international standard; whereas this is also likely to create barriers to trade, with severe negative impacts on the competitiveness of the Union sector;

J. whereas the Commission has the role of risk manager and therefore has to consider both the European Food Safety Authority (EFSA) recommendations and the practical implications of implementing those recommendations; whereas the Commission has not taken into account technological issues associated with the proposed compositional criteria: the proposed combination of nutrients would make the products more costly and more difficult to manufacture, reduce their shelf life and make them unpalatable to consumers, including producing an ‘off-flavour’;

K. whereas the recommendations are based on theoretical calculations and extrapolations made for the general population; whereas these figures, especially the dietary reference values (DRVs) for healthy people, should not be extrapolated to overweight and obese people since the nutritional requirements of overweight and obese people differ from those of healthy people, particularly in terms of protein turnover and requirement; whereas EFSA itself recognised these limitations in its assessment\(^2\);

L. whereas essential fatty acids (EFAs) are needed to help reduce blood pressure and lipids; whereas EFSA recognises that the reduction of fatty acids reserves in adipose tissue for overweight and obese people is theoretical, as it is based on calculations made for healthy people\(^3\); whereas EFSA also acknowledges that ‘the addition of EFA to total diet replacement for weight control may not be needed owing to their release from tissue stores during weight loss’\(^4\); whereas this should be borne in mind by the Commission when considering the fact that an increase in the EFA level would create rancidity problems, including a reduced shelf life, and an adverse effect on the organoleptic characteristics of products, including an ‘off-flavour’;

M. whereas the minimum protein content for TDRs recommended by EFSA (75 g/TDR) and subsequently proposed by the Commission is based on theoretical calculations and cannot be justified on the grounds of safety or by a review of the existing literature; whereas EFSA itself concludes that ‘the studies generally show that protein turnover is either maintained or only slightly decreased during caloric restriction, provided a quantity of protein between about 50 g and 100 g/day is supplied in the diet’; whereas TDRs therefore do not necessarily require more protein than a minimum of 50 g; whereas it must be taken into account that a protein content of over 50 g per day can

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\(^1\) Standards for formula foods for use in very low energy diets for weight reduction (CODEX STAN 203-1995).
\(^3\) Ibid.
\(^4\) Ibid.
lead to adverse impacts on the taste and palatability of products, as well as increase production costs; whereas the Commission proposal on protein content will therefore lead to a negative impact on product quality without any measurable benefit for the consumer;

N. whereas the proposed five-year transition period for the application of these future rules on TDRs is insufficient to address the issues related to the composition of those foods, their palatability and acceptability, and their affordability for consumers;

O. whereas the feasibility of applying the composition criteria to products should be evaluated by taking into account manufacturing processes and the subsequent shelf life, palatability and variety of products available to consumers, while maintaining regulatory compliance;

P. whereas it must also be borne in mind that there are products available on the internet, produced mainly in third countries, which provide no information about their ingredients and composition and often make misleading claims about their contribution to weight loss; whereas TDRs are therefore the preferred option in this scenario since they are regulated and ensure consumer safety; whereas the quality and affordability of TDRs are important factors in preventing individuals from seeking unsafe alternatives;

Q. whereas certain national public health agencies – such as ANSES in France – have warned about the risks associated with self-conducted weight-loss practices (with side effects including depression and loss of self-esteem, loss of muscle and bone mass, weight regain, etc.) and reiterated the importance of monitoring by healthcare professionals¹;

R. whereas the delegated regulation would also prohibit the use of nutrition and health claims on TDRs, including health claims regarding weight loss; whereas this would prevent consumers from fully understanding the potential benefits of using TDRs and would create unfair treatment for TDRs in comparison with other products which can bear nutrition and health claims;

1. Objects to the Commission delegated regulation;

2. Considers that the Commission delegated regulation fails to take into account the practical and technological implications of the proposed composition criteria, which, if adopted, would result in a lower standard of products being available to consumers, in lower quantities and at a higher price, thus reducing the uptake of this valuable weight-loss option and potentially driving consumers towards riskier alternatives;

3. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;

4. Calls on the Commission to submit a new delegated act which takes into account the practical and technological implications of the proposed criteria and urges the Commission to carry out feasibility studies taking into account manufacturing processes and the subsequent shelf life, palatability and variety of products available to consumers;

¹ https://www.anses.fr/en/content/weight-loss-diets
5. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.