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Committee on Industry, Research and Energy

2011/0156(COD)

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DRAFT OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on food intended for infants and young children and food for special medical purposes
(COM(2011)0353 – C7-0169/2011 – 2011/0156(COD))

Rapporteur: Hannu Takkula

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SHORT JUSTIFICATION

The issue of food intended for those with particular nutritional needs (hereinafter ´Parnuts food´) has been a focus area within the European Union's legislation, reflecting a clear market demand for a secure and healthy food supply. Once a niche market, the Parnuts food sector has grown significantly over the recent years, causing a lack of clarity when trying to distinguish between general foods and foods intended for specific groups of people. These developments are taken into account in the proposed legislative framework and therefore the draftsperson strongly favours the objectives of this proposal.

General remarks

Despite some previous attempts at harmonisation, vast differences still exist between national laws relating to Parnuts food. These differences place obstacles in the way of the free movement of goods, create unnecessary regulatory burdens for companies operating within the food business sector and ultimately hinder the functioning of the internal market.

The draftsperson believes that similar products must be treated the same way across the European Union, ensuring appropriate consumer information and allowing free movement and equal conditions of competition for goods. Rules which have become unnecessary, contradictory and potentially conflicting must be abolished, and the protection of the most vulnerable groups of the population and those with special nutritional needs must be guaranteed. A common legal system for Parnuts foods, as proposed by the Commission, must therefore be welcomed as a major step towards improved safety and clarity for consumers as well as producers.

The draftsperson believes that it is of critical importance that all foods intended for infants and young children, as well as foods for special medical purposes be covered by a thorough and standardised prior authorisation process. In order to ensure safety and efficacy, this shall be undertaken by an independent body on the basis of up-to-date scientific information (and research).

This proposal concentrates the notification responsibilities and authorisation procedures of Parnuts foods onto the European Commission, which will remove several existing market barriers. In this context, the draftsperson welcomes the introduction of the "Union list of permitted substances" (Article 11), which combines the currently existing (three separate) lists into a single one, thus creating greater clarity in this particular area. In order to guarantee a smooth transition process, the draftsperson calls upon the Commission for a timely establishment and regular updating of this list, as well as for a streamlined process for entries to this list (as mentioned in Article 11(3)).

Research and innovation aspects

The draftsperson believes that improved EU legislation in the field of special foods must be complemented by investments in research and innovation, as these will also lead to the development of new and enhanced practices, products and processes. In this context, the draftsperson also draws attention to the fact that the health and safety aspects of foods are included in the Food Security chapter of the Union´s Horizon 2020 Research and Innovation

Programme and further efforts of interconnected research and innovation activities in the Parnuts food sector must also be strongly supported.

The legal modifications suggested in the Commission´s proposal, such as the exclusion of diabetic food, low-gluten food and sports food, as well as the introduction of the Union´s list, should not, in any case, hinder innovation. However, as our scientific knowledge in the Parnuts food sector continues to improve, flexible procedures must be maintained to foster further research and innovation in these areas.

Small and Medium-sized enterprises (SMEs)

The draftsperson wishes to ensure that any changes to the legislative management of foods currently covered by the Parnuts food framework directive do not have a disproportional effect on SMEs, nor shall they diminish transparency and/or place unnecessary burdens on food business operators. Current data indicates that the Parnuts food sector is dominated by SMEs, and it has shown substantial growth over the past years. The draftsperson is concerned with the existing large variation in the legislative burden between the Member States and believes that streamlined regulation combined with simplification measures will be advantageous for the entire market segment.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) It is important that ingredients used in the manufacture of the categories of food covered by this Regulation are appropriate to satisfy the nutritional requirements of, and are suitable for the persons to whom they are intended and that their nutritional adequacy has been established by generally accepted scientific data. Such adequacy should be demonstrated through a systematic review of the available scientific data.	(17) It is important that ingredients used in the manufacture of the categories of food covered by this Regulation are appropriate to satisfy the nutritional requirements of, and are suitable for the persons to whom they are intended and that their nutritional adequacy has been established by generally accepted scientific data. Such adequacy should be demonstrated through a systematic ***and independent*** review of the available scientific data.

Or. en

Justification

The scientific data on the nutritional adequacy of the special food must be not only systematic, but also based on independent evaluation, to guarantee the high reliability and general acceptance of such data.

Amendment 2

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) This Regulation should provide the criteria for the establishment of the specific compositional and information requirements for infant formula, follow-on formula, processed cereal-based food and baby food, and food for special medical purposes, taking into account Commission Directive 2006/141/EC, Commission Directive 2006/125/EC and Commission Directive 1999/21/EC. In order to adapt the definitions of infant formula, follow-on formula, processed cereal-based food and baby food, and food for special medical purposes laid down in this Regulation taking into account technical and scientific progress and relevant developments at international level, to lay down the specific compositional and information requirements with respect to the categories of food covered by this Regulation, including for additional labelling requirements to, or derogations from, the provisions of Directive 2000/13/EC and for the authorisation of nutrition and health claims, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely	(19) This Regulation should provide the criteria for the establishment of the specific compositional and information requirements for infant formula, follow-on formula, processed cereal-based food and baby food, and food for special medical purposes, taking into account Commission Directive 2006/141/EC, Commission Directive 2006/125/EC and Commission Directive 1999/21/EC. In order to adapt the definitions of infant formula, follow-on formula, processed cereal-based food and baby food, and food for special medical purposes laid down in this Regulation taking into account technical and scientific progress and relevant developments at international level, to lay down the specific compositional and information requirements with respect to the categories of food covered by this Regulation, including for additional labelling requirements to, or derogations from, the provisions of Directive 2000/13/EC and for the authorisation of nutrition and health claims, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely

and appropriate transmission of relevant documents to the European Parliament and Council.	and appropriate transmission of relevant documents to the European Parliament and Council***. A clear and time-efficient procedure with due regard to consumer health protection should also be ensured to enable the foodstuff resulting from scientific and technological innovations to be placed on the market rapidly.***

Or. en

Justification

Delegated acts, as defined in recital 19, should inter alia ensure that the foodstuff resulting from scientific and technological innovations can be placed on the market in a timely manner and following a clear, time-efficient procedure.

Amendment 3

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) Adequate transitional measures are necessary to enable ***food business operators*** to adapt to the requirements of this Regulation.	(29) Adequate transitional measures ***as well as assistance and up-to-date information for the food business operators*** are necessary to enable ***them*** to adapt to the requirements of this Regulation.

Or. en

Justification

Adequate transitional measures must be accompanied by the adequate assistance and up-to-date information for the food business operators to enable them to adapt to the requirements of this Regulation.

Amendment 4

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The composition of food referred to in Article 1(1) shall be such that it is appropriate to satisfy the nutritional needs of, and it is suitable for the persons to whom it is intended, in accordance with generally accepted scientific data.	1. The composition of food referred to in Article 1(1) shall be such that it is appropriate to satisfy the nutritional needs of, and it is suitable for the persons to whom it is intended, in accordance with generally accepted ***and independently evaluated*** scientific data.

Or. en

Justification

See justification for AM 1.

Amendment 5

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The labelling, presentation and advertising of food referred to in Article 1(1) ***shall provide adequate consumer information and*** must not be misleading.	3. The labelling, presentation and advertising of food referred to in Article 1(1) must not be misleading ***and shall:***
	(a) provide adequate consumer information; and
	(b) be based on the advice of independent persons having qualifications in medicine, nutrition or pharmacy, taking into account the specific needs of the persons for whom the food is intended.

Or. en

Justification

See justification for AM 6.

Amendment 6

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The dissemination of any useful information or recommendations ***with reference to the categories of food referred to in Article 1 (1) may be made*** exclusively ***by*** persons having qualifications in medicine, nutrition, pharmacy or other professionals responsible for maternal and child health care.	4. ***The requirements referred to in paragraph 3 shall not prevent*** the dissemination of any useful information or recommendations exclusively ***intended for*** persons having qualifications in medicine, nutrition, pharmacy or other professionals responsible for maternal and child health care.

Or. en

Justification

The present regulation in Article 9 (4) is unnecessary and misleading. It is unreasonable to limit the dissemination of useful information only to certain categories of qualified persons. The draftsperson proposes instead to complete the labelling, presentation and advertising requirements in Article 9 (3) with the advice of independent qualified persons. This shall not prevent the dissemination of any useful information or recommendations exclusively intended for persons having respective or other professionals responsible for maternal and child health care.