CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

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Agenda Item 4d, 6a, 6b, 8 **NFSDU/41 CRD 28**

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

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Comments by the European Union

AGENDA ITEM 4D)

European Union competence

European Union vote

This document provides specific comments on each recommendation made by the eWG Chairs in document CX/NFSDU 19/41/5.

Recommendation 1 (Dextrose equivalent)

The EU supports the inclusion of a maximum limit of the DE for glucose polymers for products not based on milk protein with an additional clarifying text:

4) Lactose should be the preferred carbohydrates in [name of product] based on milk protein. [For products not based on milk protein glucose polymers ***that consist of D-glucose units linked primarily by α-1-4 bonds and that have a dextrose equivalent (D.E.) of less than 15*** *should be the preferred carbohydrates used.]* ~~*[For products not based on milk protein, carbohydrate sources (like starch) with an average DE of 15 should be used. OR For products not based on milk protein, a combination of carbohydrate sources giving an average dextrose equivalent not higher than DE15 (corresponding to the relative sweetness of lactose), should be preferred.] (for consideration by the EWG on follow-up formula)*~~

Mono- and disaccharides, other than lactose, should not exceed 2.5 g/100kcal (0.60 g/100kJ). National and/or regional authorities may limit this level to 1.25 g/100 kcal (0.30 g/100 kJ). Sucrose and/or fructose should not be added.

The EU notes that [name of product] for young children is not necessary to satisfy the nutritional requirements of young children when compared with other foods that may be included in their normal diet. Therefore, it is important to ensure that the sweet taste of [name of product] for young children not based on milk protein is limited to avoid the development of taste preferences that are unfavourable and that could lead to the development of overweight and obesity later in life and associated increased risk for developing non-communicable diseases.

Relative 'sweetness' is a characteristic of a food as well as a characteristic of an ingredient that can be objectively measured. The sweetness level of [name of product] for young children is influenced by the sweetness level of its ingredients and their concentration. As ingredients play a role in influencing the final sweetness level of a product, the EU considers that the sweetness level of ingredients should be limited. In general, the relative sweetness of glucose syrups or maltodextrins as ingredients increases with increasing DE.

The EU is of the view that introducing a maximum limit of the DE for glucose polymers that are used as source of available carbohydrates in products not based on milk protein can contribute to ensure that products not based on milk protein are not sweeter than products based on milk protein, for which lactose is the preferred carbohydrate. The table below (H. Douglas Goff, Richard W Hartel, Ice Cream, 7th Edition, 2013 Edition, Springer, ISBN-13: 978-1461460954) illustrates this approximation.

Ingredient	Average molecular weight	Relative sweetness[a]	Total solids (%)	Relative freezing point depression[b]	Maximum total sugar supplied[c] (%)
Dextrose	180	74	92	1.90	40
Fructose	180	173	100	1.90	40
Sucrose	342	100	100	1.00	100
Lactose	342	16	100	1.00	d
Maltose	342	32	100	1.00	40
Honey	~270	75	74	1.46	45
Invert sugar	~270	95	77	1.12	30
High fructose corn syrup					
90%	180	125	77	1.88	50
55%	185	98	77	1.85	50
42%	190	86	71	1.80	50
High maltose corn syrup					
55 DE	411	55	81	0.83	40
Corn syrups					
64 DE	298	68	82	1.15	25–50
42 DE	428	48	80	0.80	25–50
36 DE	472	42	80	0.72	25–50
32 DE	565	40	80	0.61	25–50
20 DE	900	23	80	0.38	e
Maltodextrins					
15 DE	1,200	17	95	0.29	e
10 DE	1,800	11	95	0.19	e
5 DE	3,600	6	95	0.10	e

[a]Sweetness relative to sucrose on an as is or product basis
[b]Factor to estimate freezing point depression relative to solids equal in weight to sucrose
[c]Percent of sugar on a sweetness basis generally acceptable from a quality viewpoint
[d]Lactose provides low sweetness, but amount is limited by tendency to crystallize
[e]Lower DE corn starch products build body and provide bulk rather than sweetness

The DE can be assessed on an ingredient check base and therefore enforced. The EU has included in its regional legislation a limit on DE for glucose syrups used in the manufacturing of infant and follow-on formula. Assessment of compliance can be achieved by assessing compliance of the ingredients used for manufacture.

Recommendation 2 (3.2.1.-Optional ingredients)

The EU supports the retention of the sentence 'substances shall not be added with the purpose of imparting or enhancing a sweet taste of [name of product]' under 3.2.1 Optional ingredients. However, the EU suggests adding the word "ingredients" as the latter term is broader covering all ingredients with sweetening properties whilst the term "substance" is usually associated with chemically defined substances as additives (i.e. sweeteners and flavour enhancers). Thus the sentence would read '*ingredients or substances shall not be added with the purpose of imparting or enhancing a sweet taste of [name of product]*'.

The EU notes that due to sugar reduction policies, there is currently considerable momentum to develop non-sugar ingredients that impart or enhance sweet taste that may not necessarily and in all cases be classified as additives. It is expected that the number of such ingredients will increase in the future. While such substances may be used to reduce sugar intakes in adults, for the age group of infants and young children, their use may negatively influence the development of healthy taste preferences and should therefore be addressed in the standard.

Recommendation 3 (Purity requirements)

The EU agrees with the proposal to retain the provisions relating to purity requirements of the current Follow-up Formula Standard for both follow-up formula for older infants and for [name of product] for young children.

Recommendation 4 (Vitamin Compounds and Mineral Salts)

The EU in general agrees with the proposed approach to retain provisions 3.4.2.1 and 3.4.2.2 of the current Follow-up Formula Standard for follow-up formula for older infants.

However, when it comes to the exact wording, the EU kindly notes that Sections 3.3.1 and 3.3.2 would need to be renumbered in the provision in accordance with the final structure of the revised Standard and that the provision could reference the title of CXG 10-1979 (i.e. *Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children*) as is the case in the Standard for Canned Baby Foods and in the Standard for Processed Cereal based Foods for Infants and Young children.

In terms of [name of product] for young children, in addition to the comments made above, the EU supports the proposal to retain only provision 3.4.2.1 of the current Follow-up Formula Standard considering that a maximum level for sodium has not been set for such products and therefore provision 3.4.2.2 is not relevant.

Recommendation 5 (Consistency and Particle Size)

The EU in general agrees with the recommendation to retain provision 3.5 in the current Follow-up Formula Standard relating to consistency and particle size for both follow-up formula for older infants and for [name of product] for young children.

However, in order to be in line with the wording used in the more recently revised Infant Formula Standard the EU would suggest a small change to the proposed texts as follows:

When prepared according to the directions of use, the product shall be free of lumps and of large, coarse particles and suitable for adequate feeding of older infants.

When prepared according to the directions of use, the product shall be free of lumps and of large, coarse particles and suitable for adequate feeding of young children.

Recommendation 6 (Specific prohibitions)

The EU agrees with the Chairs` recommendation.

Recommendation 7 (Food additives – permissions for food additives)

The EU agrees with the recommendation to retain the current permissions for food additives (excluding flavourings) in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.

Recommendation 8 (Food additives-administrative changes)

The EU supports Recommendation 8a, i.e. the administrative changes i – iii, and the alignment of the names of food additives in the current Follow-up Formula Standard with those in the GSFA.

As regards Recommendation 8b, the EU notes that “Packaging gases” is a functional class recognized both at the EU and Codex level. Therefore, and also in line with the IF Standard, the functional class “Packaging gases”, together with the provisions for INS 290 carbon dioxide and INS 941 nitrogen, should be included in the Food Additive section as per the approach taken in the Infant Formula Standard.. The EU is of the view that “Packaging gases” shall not be retained in Section 7 (Packaging).

Recommendation 9 (Carry-over of food additives)

In line with the endorsed principle that foods intended for infants and/or young children shall be prepared without food additives whenever possible, the EU supports option 2, i.e. the adoption of the text from the Infant Formula Standard and Standard for Processed Cereal- based Foods for Infants and Young Children for both follow-up formula for older infants and [name of product] for young children. This would reflect Section 4.3 of the GSFA wherein follow-up formulae is listed among the foods for which the carry-over of food additives is not acceptable.

Option 1 is not preferred as the reference to the whole Section 4 of the Preamble to the GSFA includes Section 4.1 and Section 4.3 that are mutually exclusive. A reference to Section 4.3 could be considered after the alignment has been finalized (as it refers to additive provisions listed in Tables 1 and 2 of the GSFA).

Recommendation 10 (Flavourings)

The EU welcomes the Chair`s recommendation to include the JECFA numbers in addition to the name of the flavouring substance in the standard. This inclusion should help in better identifying and characterising the flavouring substances in the standard. The JECFA numbers for flavouring substances are essentially equivalent to the INS numbers for food additives and indicate that there are JECFA evaluations and specifications for them. The EU can also accept the inclusion of a reference to the Guidelines for the Use of Flavourings *(CXG 66-2008)* in accordance with the Codex Procedural Manual.

However, the EU notes that infants and young children is a particularly vulnerable population group with regard to taste, as during the early life period taste preferences are formed, that can determine dietary

preferences throughout life. Such taste preferences can lead to preferences for certain foods that are not in line with dietary recommendations, which in turn increases the risk for (early) development of (childhood) overweight and obesity and related non-communicable diseases. Globally, the EU is among the regions with the highest rates of childhood obesity. Taste preferences can be set by recurring exposure to certain foods and flavours. The EU is therefore concerned that allowing flavourings to be added to follow-up formula for older infants and to [name of the product] for young children could negatively influence the normal development of taste preferences that are established when infants and young children are provided with an appropriate, recommended diet. Follow-up formula for older infants and [name of the product] for young children are products that are typically consumed very frequently, normally on a daily bases. Given this very frequent exposure, it is very likely that those food categories strongly influence the development of taste preferences later in life. The EU currently does not have specific provisions for flavourings intended for infants and young children. Taking into account the rational above, the EU could support the Chair`s proposal provided a footnote that would allow national and regional authorities to restrict or prohibit the use of the flavourings listed under sections 4.5 is added to those provisions.

The proposed texts read as follows:

a) Follow-up formula for older infants:

That CCNFSDU agree to the following text for follow-up formula for older infants:

4.5 Flavourings *[[1)]]*

Natural Fruit Extracts: GMP

Vanilla extract: GMP

Ethyl vanillin **[(JECFA no. 893)]**: 5 mg/100 ml

Vanillin **[(JECFA no. 889)]**: 5 mg/ 100 ml

[The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008)]

[[1)] National and/or regional authorities may restrict or prohibit the use of the listed flavourings]

b) [name of product] for young children

That CCNFSDU agree to the following text for follow-up formula for older infants:

4.5 Flavourings *[[1)]]*

Natural Fruit Extracts: GMP

Vanilla extract: GMP

Ethyl vanillin **[(JECFA no. 893)]**: 5 mg/100 ml

Vanillin **[(JECFA no. 889)]**: 5 mg/ 100 ml

[The flavourings used in products covered by this standard should comply with the Guidelines for the Use of Flavourings (CXG 66-2008)]

[[1)] National and/or regional authorities may restrict or prohibit the use of the listed flavourings]

Recommendation 11 (Contaminants)

The EU agrees with the Chairs` recommendation to adopt the “Contaminant” provision of the more recently revised Infant Formula Standard for both follow-up formula for older infants and [name of product] for young children.

Recommendation 12 (Hygiene)

The EU agrees with the Chairs` recommendation to adopt the “Hygiene” provisions within the Infant Formula Standard for both follow-up formula for older infants and [name of product] for young children.

As regards the proposal to reference two additional Codex documents (Codex Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods *(CXC 40-1993)* and the Codex Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods *(CXC 23-1979)*), the EU notes that follow-up formulae are mainly marketed in powder form on the EU market, but there are products available in ready-to-drink form too. Such products can be considered as canned ready-to-feed follow-up formula based on the CODEX definition of canned foods i.e. *“commercially sterile food in hermetically sealed containers”*. Therefore, in case the Committee prefers to reference the two additional texts, the EU can accept it.

Recommendation 13 (Packaging)

The EU agrees with the recommendation to adopt the packaging provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.

As noted under Recommendation 8b the EU considers that "Packaging gases" should be included in the Food Additive section and listed under the appropriate functional class. Thus, the EU does not support retaining Packaging gases in Section 7 (Packaging).

However, if, in addition to their inclusion in the Food Additive section, there is a strong preference to retain Packaging gases (i.e. nitrogen and carbon dioxide) in Section 7, the EU could accept it, provided a reference to the Food Additives section is made in the last sentence of Section 7.1 as follows:

"…; nitrogen and carbon dioxide may be used as a packing media, i.e. as food additives (packaging gases), in line with Section 4 of this standard."

Recommendation 14 (Fill of containers)

The EU agrees with the recommendation to adopt the "fill of containers" provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children. The also agrees with the revised level of 5 oz.

Recommendation 15 (Method of analysis and sampling)

The EU agrees with the recommendation to adopt the "Method of analysis and sampling" provisions in the current Follow-up Formula Standard for both follow-up formula for older infants and [name of product] for young children.

AGENDA ITEM 6A) AND 6B)

European Union competence

European Union vote

The European Union (EU) would like to thank Canada for their work on document CX/NFSDU 19/41/7.

RECOMMENDATION

The Committee is invited to consider the possible Codex risk management roles as presented in Table 1.

EU comments:

The EU is convinced that limiting the intake of trans fatty acids (TFA) is an important measure to protect public health. In order to ensure that all population groups are equally protected, a regulatory approach limiting industrially produced TFA in foods has been chosen in the EU. On 24 April 2019, the Commission adopted a Commission Regulation that limits the presence of trans fat, other than trans fat naturally occurring in fat of animal origin, in food which is intended for the final consumer and food intended for supply to retail. The maximum limit allowed is 2 grams per 100 grams of fat.

Following an in-depth impact assessment in 2018, the EU concluded that a legal limit for the presence of industrially manufactured TFA in food performs best in terms of positive effects on health, but also in terms of costs for producers. All other options considered were less effective and efficient, including mandatory labelling options including TFA content or declaration of PHO presence, voluntary reformulation agreements with operators to reduce levels of TFA or partially hydrogenated oils (PHO). Therefore, and considering the presented advantages and drawbacks, the EU strongly favours risk management option B.

In view of the potential risk management roles of Codex presented in table 1, the EU notes that among the risk management roles identified, 4 out of the 7 risk management options (A, B, E and F) involve CCMAS to provide advice on suitable reference methods of analysis and sampling regarding TFA, making this the most frequently referred to risk management role of Codex in the table. The EU therefore supports to request CCMAS to provide such advice.

In addition, 3 of the risk management options (A, B, C) involve CCFO to amend the Standard for Fat Spreads and Blended Spreads (CXS 256-2007) and the Standard for Edible Fats and Oils Not Covered by Individual Standards (CXS191981) to either include TFA levels that must not be exceeded or to include a prohibition of PHO. PHO are currently not defined at Codex levels and would need to be defined. Risk management option B, closely followed by option C, appears to have the least drawbacks and the most convincing advantages. The EU therefore supports to request CCFO to consider whether TFA levels could be established in those standards. In addition, such levels could be related to a PHO prohibition by appropriately defining PHO.

The indication of 'hydrogenated' or 'partially hydrogenated' is already mandatory as a specific name shall be used for ingredients in the list of ingredients and such precise indication is also required if the class name 'oil' is chosen (General Standard for the Labelling of Prepackaged Foods CXS 1-1985, 4.2.3 and 4.2.3.1). Therefore, the EU considers that risk management **option G**, the requirement that partially hydrogenated and fully hydrogenated oils be declared by their specific names, would not add additional incentives for industry to reformulate. The EU agrees that those terms have not been defined.

In its Impact Assessment, the EU identified in 2018 impacts related to risk management options A, B, C and E. The identified benefit:cost ratio is the largest for **options B and C**. Risk management **option E** was the most resource-intensive option and had the worst benefit:cost ratio of all options considered. Therefore, the EU does not support to initiate the identified related risk management roles for CCFL/CCNFSDU.

AGENDA ITEM 8)

European Union competence

European Union vote

The European Union (EU) would like to thank Ireland, the United States of America and Costa Rica for preparing the discussion paper on NRVs-R for older infants and young children.

RECOMMENDATION 1

The age ranges for older infants and young children should be standardised throughout all relevant Codex texts as follows:

- *Older infants are aged from 6 months to not more than 12 months*
- *Young children are from the age of more than 12 months up to the age of 3 years (36 months)*

For the purposes of NRVs-R, this interpretation of when older infants become young children, is based on the point of differentiation being the end of the day on the 1st birthday. If agreement on this is difficult to achieve, the current wording of the specific age boundaries in the Codex texts should continue to be used (even though these age boundaries are not exactly the same across all Codex FSDU texts, the meaning is generally understood).

EU comments:

At CCNFSDU40, the age ranges that were presented were:

- Older infants: from 6 months to less than 12 months, and
- Young children: from 12 months to less than 36 months.

The age range definition in recommendation 1 differs. The EU supports the age definition of infants as less than 12 months and young children as from 12 months to less than 36 months.

The EU considers that there is merit to harmonise the definitions when an infant becomes a young child and until which age a person is considered to be a young child. The EU notes that currently in all relevant Codex texts, infants are considered to be persons of not more than 12 months of age (Standard for canned baby foods 73-1, Standard for processed cereal-based foods for infants and young children 74-1981, Guidelines on formulated complementary foods for older infants and young children CAC/GL 8-1991, Standard for infant formula and formulas for special medical purposes intended for infants 72-1981, Standard for follow-up formula CXS 156-1987, the text proposed for revision however includes the definition of an older infant). Therefore, most relevant Codex texts apply harmonized definitions. The proposed text would abolish the concept of "infants" in 4 Codex texts and replace it with a new concept of 'older infants' that is so far only included in the Guidelines on formulated complementary foods for older infants and young children CAC/GL 8-1991 and in the draft version for revision of the Standard for follow-up formula CXS 156-1987. The EU prefers to keep the established concepts and not to create new terminology.

In addition, the EU notes that currently in all relevant Codex texts, young children are considered persons from the age of more than 12 months up to the age of three years (36 months). (Standard for canned baby foods 73-1981 without the explanation "(36 months)", Standard for processed cereal-based foods for infants and young children 74-1981, Guidelines on formulated complementary foods for older infants and young children CAC/GL 8-1991, Standard for follow-up formula CXS 156-1987). The EU considers that the age ranges are harmonised in the Codex texts, with the exception of the added specification of "(36 months)" next to "three years". While for the sake of harmonisation, in the Standard for canned baby foods 73-1981 the explanation "(36 months)" could be added, the EU considers this addition not to be crucial or of a high priority.

RECOMMENDATION 2

The NRVs-R for older infants and young children be located in the Guidelines on Nutrition Labelling and apply to FSDU. Application of these NRVs-R to general foods require further discussion at plenary.

Note: While the majority of the eWG were in favour of applying these NRVs-R to general foods, a minority wanted these limited to FSDU only. One CM wanted application of NRVs-R to general foods for young children but not older infants.

EU comments:

The EU is concerned that the establishment of NRVs-R for infants and young children in the Guidelines on Nutrition Labelling may introduce uncertainties for nutrition labelling of certain foods that could be considered as foods for special dietary use. The location of the NRVs-R for infants and young children in the Guidelines on Nutrition Labelling which applies to all foods would practically lead to the creation of a new product category at Codex level that could legally be marketed according to Codex rules: foods that imply that they are intended for older infants and young children according to their labelling, but that are not covered by Codex Standards or Guidelines on foods for older infants and young children, nor by national or regional legislation on foods for older infants and young children. This can create a situation where consumers are misled, as they could not differentiate between regulated and non-regulated products with regard to criteria that ensure that products are indeed suitable for older infants and young children.

Specific criteria, such as in relation to composition and labelling, are set to ensure that products targeting older infants and young children are suitable for this vulnerable age group. Other products that do not comply with those criteria could in parallel be placed on the same market. Allowing these products to use NRVs-R for older infants and young children on the label creates for consumers the impression that they are particularly suitable for older infants and young children without actually being so. The EU does not support the creation of a new category of “baby foods” outside the Codex texts or national or regional legislation, covering this age group by means of labelling foods with specific NRVs-R for infants and young children. The EU does not support to allow for declaration of vitamin and mineral content expressed as %NRV-R for 'general foods' targeting older infants and children.

When including the NRVs-R in the individual 4 Codex Standards and Guidelines mentioned below, the conditions for voluntary micronutrient declaration need to be individually considered and established for each Codex text in order to ensure that the conditions are suitable for the specific food category and for the vulnerable group of infants and young children. Simply transferring concepts that were established for the adult population to infants and young children may not necessarily be appropriate, for example, the volume of food eaten by infants is considerably lower in infants as compared to adults.

Therefore, the EU supports the establishment of a list of NRVs-R for infants and young children for voluntary micronutrient declaration under conditions to be determined within the frame of each of the texts for the following Codex Standards and Guidelines and locate them in the respective Codex Standards and Guidelines:

- Processed Cereal-Based Foods for Infants and Young Children
- Canned Baby Foods
- Formulated Complementary Foods for Older Infants and Young Children
- Follow-up Formula (under review)

RECOMMENDATION 3

RECOMMENDATION 3 The decision on whether these NRVs-R should be used to guide vitamin and mineral composition in the Guideline on Formulated Complementary Foods for Older Infants and Young Children, should be deferred until the General Principles are established. This will also allow consideration of the potential use of these NRVs-R as reference criteria for the optional addition of vitamins and minerals in other relevant FSDU texts.

EU comments:

The EU considers that the decision on whether NRVs-R for infants and young children should be used to guide vitamin and mineral composition in the Guideline on Formulated Complementary Foods for Older Infants and Young Children could be deferred. The EU does not support to use these NRVs-R as reference criteria for the optional addition of vitamins and minerals in other relevant FSDU texts. The EU prefers that national and regional authorities preserve the flexibility to consider the NRVs-R as reference criteria for the optional addition of vitamins and minerals or to consider modified concepts that reflect national or regional nutrition and public health policies.

RECOMMENDATION 4

NRVs-R for older infants and young children should be established in the Guidelines on Nutrition Labelling and be used as reference criteria by jurisdictions where such claims are permitted

EU comments:

The EU is concerned that the establishment of NRVs-R for infants and young children in the Guidelines on Nutrition Labelling may introduce uncertainties for nutrition labelling of certain foods that could be considered as foods for special dietary use. The location of the NRVs-R for infants and young children in the Guidelines on Nutrition Labelling which applies to all foods would practically lead to the creation of a new product category at Codex level that could legally be marketed according to Codex rules: foods that imply that they are intended for older infants and young children according to their labelling, but that are not covered by Codex Standards or Guidelines on foods for older infants and young children, nor by national or regional legislation on foods for older infants and young children. This can create a situation where consumers are misled, as they could not differentiate between regulated and non-regulated products with regard to criteria that ensure that products are indeed suitable for older infants and young children.

Specific criteria, such as in relation to composition and labelling, are set to ensure that products targeting older infants and young children are suitable for this vulnerable age group. Other products that do not comply with those criteria could in parallel be placed on the same market. Allowing these products to use NRVs-R for older infants and young children on the label creates for consumers the impression that they are particularly suitable for older infants and young children without actually being so. The EU does not support the creation of a new category of “baby foods” outside the Codex texts or national or regional legislation, covering this age group by means of labelling foods with specific NRVs-R for infants and young children. The EU does not support to allow for declaration of vitamin and mineral content expressed as %NRV-R for 'general foods' targeting older infants and children.

When including the NRVs-R in the individual 4 Codex Standards and Guidelines mentioned below, the conditions for voluntary micronutrient declaration need to be individually considered and established for each Codex text in order to ensure that the conditions are suitable for the specific food category and for the vulnerable group of infants and young children. Simply transferring concepts that were established for the adult population to infants and young children may not necessarily be appropriate, for example, the volume of food eaten by infants is considerably lower in infants as compared to adults.

Therefore, the EU supports the establishment of a list of NRVs-R for infants and young children for voluntary micronutrient declaration under conditions to be determined within the frame of each of the texts for the following Codex Standards and Guidelines and locate them in the respective Codex Standards and Guidelines:

- Processed Cereal-Based Foods for Infants and Young Children
- Canned Baby Foods
- Formulated Complementary Foods for Older Infants and Young Children
- Follow-up Formula (under review)

The EU recognises that, in addition to allowing for voluntary information of content of vitamins and minerals in relation to NRVs-R, the purpose of the proposed work is to provide comprehensive guidance for countries that have national legislation in place allowing for nutrition claims on products intended for infants and young children. Therefore, the EU could also support the development of NRVs-R that could help countries to accommodate their national legislation to the market situation, taking into account national or regional nutrition and public health policies. Countries and regions have different policies in place. Providing for claims for certain vitamins and minerals in a national or regional context may stimulate fortification of products with those nutrients up to the levels necessary to make the claim. However, the preferred strategy of ensuring adequate micronutrient intakes may differ, countries or regions may favour to provide nutrition advice on adequate food intake, mandatory or voluntary fortification of all or only of certain foods, or recommend the use of certain supplements. Therefore, reference criteria for nutrition claims and the basis on which they are derived may vary between countries and regions, and may vary between individual nutrients and by specific food categories on which they are allowed, in line with national and regional policies and priorities. It is important that the freedom to shape national or regional nutrition policies with regard to the vulnerable population group of infants and young children is maintained. Future work on NRVs-R for infants and young children should clearly allow for such national or regional flexibility and allow countries and regions to take them into account for their national or regional legislation on nutrition claims for products for older infants and young children without the obligation to use them. The EU reminds that nutrition claims for products intended for infants and young children are not harmonised at Codex level and does not support

recommendation 4 to introduce an obligation to use NRVs-R for older infants and young children where jurisdictions allow for such claims.

Notwithstanding this, national and regional authorities may decide to use NRVs-R as reference criteria for nutrition claims in jurisdictions where such claims are permitted if such an approach supports their nutrition and public health policies

RECOMMENDATION 5

That NRVs-R for older infants and young children be established for all 13 vitamins (including folate instead of folic acid) and 9 minerals (excluding molybdenum).

EU comments:

The EU supports the development of NRVs-R for older infants and young children for all 13 vitamins and 9 minerals.

RECOMMENDATION 6

That an NRV-R be established for protein for older infants and young children separately and as a combined group.

EU comments:

Products on the EU market generally do not target older infants or young children separately as two standardised age groups. Rather, different age indications are given (e.g. from 6 month, from 8 month, from 10 month, from 12 month, from 16 month, from 18 month etc.). The EU considers that the establishment of two standardised, separate age categories for processed cereal-based foods and baby foods for infants and young children via the establishment of NRVs-R (one for older infants and one for young children) is not useful to ensure a suitable product offer. Protein requirements change considerably from 6 to 36 months of age. The EU doubts that providing information about the protein content of a food as a percentage of an average reference intake is meaningful and rather considers that such information could potentially mislead. Therefore, the EU does not support the development of an NRV-R for protein for older infants and young children, neither separately nor as a combined group.

RECOMMENDATION 7

That the priority rankings provided by the eWG be used to inform and help direct the work when the General Principles are being established.

EU comments:

The EU considers that the priority rankings provided should guide the order and priority of development of NRVs-R, irrespective of the General Principles to be established. The General Principles inform about how NRVs-R are derived, the priority order about which NRVs-R to establish first and establish later has been provided in table 1 of CX/NFSDU 19/41/8 and is independent of the General Principles.