



2015/0000(DEA)

16.12.2015

DRAFT MOTION FOR A RESOLUTION

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

on Commission delegated regulation (EU) No .../... of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for processed cereal-based food and baby food (DEA)

Committee on the Environment, Public Health and Food Safety

Rapporteur: Keith Taylor

European Parliament resolution on Commission Delegated Regulation (EU) No .../... of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for processed cereal-based food and baby food (DEA)

The European Parliament,

- having regard to Commission delegated regulation (C(2015)06507);
 - having regard to Article 290 of the Treaty on the Functioning of the European Union;
 - having regard to Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009¹, and in particular Article 11(1) thereof;
 - having regard to the United Nations Convention on the Rights of the Child;
 - having regard to the International Code of Marketing of Breast-Milk Substitutes adopted by the World Health Assembly in 1981² and the 16 subsequent relevant World Health Assembly Resolutions and, in particular, the WHA Resolution 63.23 (2010) that urges Member States 'to end inappropriate promotion of food for infants and young children and to ensure that nutrition and health claims shall not be permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation.';
 - having regard to the UK Government's Scientific Advisory Committee on Nutrition (SACN) position statement of 24 September 2007³;
 - having regard to Article 5 of Regulation (EU) No 609/2013 and the precautionary principle inscribed therein;
 - 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 the Commission has failed to present to Parliament and Council the report on Young Child formula required by Regulation (EU) No 609/2013 (Article 12) which is a

¹ OJ L 181, 29.6.2013, p. 35.

² http://www.who.int/nutrition/publications/code_english.pdf

³ http://webarchive.nationalarchives.gov.uk/20140507013106/http://www.sacn.gov.uk/pdfs/position_statement_2007_09_24.pdf

necessary condition for national strategies to reduce childhood obesity;

- B. whereas in part 3 of Annex I, the delegated regulation allows baby foods to provide 30 % of their energy from sugar (7.5g sugar/100kcal is equivalent to 30kcal from sugar in 100kcal energy);
- C. whereas provision in Annex I part 3 is contradictory to all health advice from the World Health Organisation¹ (WHO) and from scientific committees in Member States who have recommended significant reductions in total sugar intake. The introduction of such foods – especially so early – is likely to contribute to the rising levels of childhood obesity and may affect the developing taste preferences of children. For infants and young children in particular, added sugar levels should be kept to a minimum;
- D. whereas poor diet is now by far the biggest underlying cause of disease and death globally - bigger than tobacco, alcohol and physical inactivity added together²;
- E. whereas the WHO recommends that infants should be breastfed exclusively during the first 6 months of life and that from 6 months of age, breastmilk should be complemented with a variety of adequate, safe and nutrient dense complementary foods, while salt and sugars should not be added to complementary foods;³
- F. whereas all Member States endorsed the International Code of Marketing of Breast-Milk Substitutes adopted by the World Health Assembly (WHA) in 1981 ('the International Code') and the 16 subsequent relevant WHA Resolutions which are designed to ensure that all parents and caregivers receive objective and truly independent information, to remove obstacles to breastfeeding and to ensure that breast milk substitutes are used safely if needed;
- G. whereas the Code of Ethics for International trade in Food Including Concessional and Food Aid Transactions (CAC/RCP 20-1979)⁴ recommends in its Article 4(4) that 'National authorities ... should make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the WHA setting forth principles for the protection and promotion of breast-feeding be observed';
- H. whereas Regulation (EU) No 609/2013 was adopted before the Scientific Opinion on the essential composition of infant and follow-on formulae of 5 August 2014, by the European Food Safety Authority⁵ was published;
- I. whereas the Union has an obligation to promote high quality public health principles, standards and legislation in its relations with non-EU countries and international organisations in the field of public health and a duty to establish an effective health protective framework;

¹ <http://www.who.int/mediacentre/factsheets/fs394/en/>

² *Changes in health in England, with analysis by English regions and areas of deprivation, 1990–2013: a systematic analysis for the Global Burden of Disease Study 2013 Lancet 2015; 386: 2257–74 Published Online September 15, 2015*

³ [http://thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(15\)00195-6.pdf](http://thelancet.com/pdfs/journals/lancet/PIIS0140-6736(15)00195-6.pdf)

⁴ <http://www.who.int/mediacentre/factsheets/fs394/en/>

⁵ www.codexalimentarius.org/input/download/.../1/CXP_020e.pdf

⁵ http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/3760.pdf

- J. whereas in addition to transparent consultations with NGOs and other stakeholders in the context of the Advisory Group on the Food Chain and Animal and Plant Health, bilateral meetings were also held with interested parties without any public record of those;
- K. whereas infants and young children are a particularly vulnerable population regarding endocrine disrupting chemicals and other contaminants;
- L. whereas the International Agency for Research on Cancer - the specialized cancer agency of the WHO - classified glyphosate as probably carcinogenic to humans on 20 March 2015¹;
1. Objects to the Commission delegated regulation;

Obesity

2. Considers that the delegated regulation does not contain sufficient measures to protect infants and young children against obesity and that the allowed maximum sugar level should be substantially lowered in line with WHO recommendations;

Contaminants

3. Considers that given the particular vulnerability of the endocrine system of infants and young children, zero tolerance for pesticides should apply as a general principle;
4. Considers that all derogations to the zero tolerance for pesticides principle should be explicitly listed in Annex III which should regularly be updated towards constantly stricter maximum residue levels, following new scientific evidence on the health effects of active substances and their metabolites. For instance, glyphosate should be added;

Labelling

5. In consideration of global public health recommendations, including WHA Resolution 63.23, the WHA Global Strategy of Infant and Young Child feeding and the global impact of exports from the Union to third countries, the labelling and marketing of processed baby foods should make it clear that these products are not adequate for use by infants of less than 6 months of age and should not undermine the 6 month exclusive breastfeeding recommendation; Considers therefore that the labelling and marketing should be revised in line with WHA recommendations for foods for infants and young children;

Transparency

6. Considers that for the sake of transparency and building public trust in Union institutions and EU decision making, the list of "bilateral meetings" (including the date and participants) that the Commission has held with interested parties in the process of drafting the delegated regulation should be made public;
7. Instructs its President to forward this resolution to the Commission and to notify it that

¹ <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>

the delegated regulation cannot enter into force;

8. Calls on the Commission to delay the adoption of this delegated act until its own report on Young Child Formula is published and until EFSA has published its review in relation to the evidence on sugar and the early introduction of processed foods in relation to optimal infant and young child feeding recommendations, in particular the undermining of breastfeeding and the exacerbation of childhood obesity.
9. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.