

BETTER REGULATION FOR BETTER NUTRITION

- Specialised nutrition products help people get the right nutrition for their particular needs – these include infants and young children, patients under medical supervision, overweight and obese consumers, people with a gluten intolerance or coeliac disease as well as sportspeople.
- SNE, the voice of the specialised nutrition industry in Europe, supports the European Commission’s Better Regulation agenda as a way to involve stakeholders in the policy making process and ensure that EU actions are based on evidence, and that regulatory burdens are kept to a minimum.
- However, Better Regulation should not mean deregulation: specific, targeted rules are critical to protect the 90% of consumers who will need specialised nutrition at some stage in their lives.

Specialised nutrition: a lifeline for millions of Europeans

Throughout life, specialised nutrition gives nutritional protection and support when people need it most: when they are vulnerable or ill; or at times when they have special dietary needs that foods intended for general consumption cannot meet.

90% of Europeans will need to use specialised nutrition at some point in their lives and in many cases these foods will be their sole source of nutrition¹:

- ⇒ 70% of infants in Europe are formula fed at some point before the age of 6 months: Infant Formula is the only suitable alternative for babies whose mothers are unable to, or choose not to breastfeed.
- ⇒ 20 million people are at risk of malnutrition in the EU including 25% of hospital patients: Foods for Special Medical Purposes (FSMP) provide vital nutritional support to patients from infancy to old age recovering for instance from cancer treatment.
- ⇒ Around 25% of people struggle to maintain a healthy weight: Slimming foods help people to lose and maintain weight safely, and avoid the dangers of extreme diet programmes.
- ⇒ About 5 million Europeans suffer from gluten intolerance or the autoimmune disorder known as coeliac disease: Special gluten free foods help these people manage their condition and enjoy a wide range of alternative foods to those that would normally contain gluten.
- ⇒ Sports represent a way of life for millions of Europeans: Sports nutrition provide elite athletes and dedicated amateurs with vital nutrients before, during and after physical activity.

EU rules on specialised nutrition guarantee consumer trust and safety

Given the contribution of specialised nutrition products to public health in Europe, specific legislation covering their composition, production, labelling and marketing has been harmonised at EU level since 1989, thereby guaranteeing the safe and effective use of these products by the people who rely on them.

Specialised Nutrition Europe (SNE), as the trade association representing the interests of the specialised nutrition industry across the European Union, relies on these strict levels of regulatory control to ensure consumer trust.

The [EU Directive on Foodstuffs intended for Particular Nutritional Uses](#) from 2009 used to provide a specific legal framework for these foods. However, as a result of the EU better regulation agenda, this Framework Directive was reviewed in 2013 and replaced by a [new Regulation on Foods for Specific Groups](#). This new Regulation provides an umbrella legislative framework for various category-specific products but also created a number of legislative uncertainties for some product categories, that have not been solved to date.

¹ The figures mentioned in this document are estimates based on internal data, based on the best SNE understanding. They can be reviewed should best data be available.

The risks of deregulation

As stated in the European Commission's roadmap '[stocktaking of the better regulation policy](#)' of May 2018, "better regulation is not about "more" or "less" EU legislation, and it is not about deregulating or deprioritising certain policy areas".

The EU better regulation agenda is about designing and evaluating EU policies based on sound evidence, backed up impact assessments and the views of citizens and stakeholders. Unfortunately, many EU decision makers are still disregarding the calls made by European consumers and industry alike that specific rules on foods for specific purposes are fit for purpose and must be maintained at EU level. They do not constitute a regulatory burden and their dismissal actually poses several risks.

Risk #1: Consumer confusion

Specially formulated products are designed based on science to meet consumers' special nutritional needs. De-regulation and the lack of specific EU rules would make it difficult for consumers to recognize the products specially formulated for their specific nutritional needs and differentiate them from the rest of food products.

Risk #2: Loss of innovation in nutritional science

We need innovation in specialised nutrition to meet the goal of EU leadership for advancement of nutritional science; and to better serve consumers in need in a timely manner. De-regulation and the lack of specific EU rules for specialised nutrition products would disincentive R&D in the long run if the specialised nutrition industry loses the ability to provide information about the positive health and nutrition impact of scientifically supported innovations.

Risk #3: Market fragmentation

If the EU does not act to harmonise rules, individual Member States may fill this legal vacuum by adopting national rules, resulting in a fragmented internal market. Some countries are actually already recognising the need for specific rules for specialised nutrition products no longer regulated by specific provisions at EU level and are considering the introduction of such national regulations. Such market fragmentation and a patchwork of different national rules could lead to a lower level of protection for European consumers across the board.

Better regulating specialised nutrition

Better Regulation is about making sure EU laws are well designed, deliver on their objectives in the most efficient way and take into account the views of the people they affect, relying on evidence and a transparent process for the benefit of people who need and use our specialist products

A wide range of stakeholders including SNE are adamant that specific rules for specialised nutrition are critical to boost consumer protection and industry innovation by ensuring appropriate and harmonised standards across the European single market.

Making sure that European citizens can access the right nutrition for their particular needs is paramount. Specialised nutrition products are uniquely positioned to meet this objective because they are developed in concertation with the consumers who rely on them, the healthcare professionals who recommend them and the scientists who develop them:

- ⇒ Infant and young child nutrition products integrate the latest input from paediatricians.
- ⇒ Medical nutrition products are developed based on scientific and clinical insights, often in close collaboration with scientists and healthcare professionals.
- ⇒ Slimming foods products are designed to ensure a safe and efficient weight loss for obese and overweight people.
- ⇒ Gluten-free foods are formulated to match as closely as possible the taste and texture of equivalent traditional gluten-containing foods such as bread and pasta, improving the compliance to a gluten-free diet.
- ⇒ Sports foods are formulated to respond to the specific nutritional needs of sportspeople.

This consumer-centric approach, supported by strong scientific evidence, differentiates specialised nutrition products from other food products, as they fulfil very specific nutritional roles and thereby justify bespoke rules that are different from general foods.

Most importantly, the failure to recognize the importance of specialised nutrition products to tackle societal challenges such as rising rates of obesity, malnutrition, or food allergies will have negative public health consequences across Europe. As pointed out in the [foresight study on Delivering on EU food safety and nutrition in 2050](#), nutrition must be strengthened as a distinct policy area of its own, but also as an area where policy action is urgently needed.

This is why the European Union must take its responsibility and provide a policy framework that recognises the role of specialised nutrition products and enables European citizens to access these products and use them safely.