

Let's close the regulatory gap on Young Child Formula!

Specialised Nutrition Europe (SNE)¹ calls on EU decision-makers to better protect young children by specifically regulating Young Child Formula in Europe.

1. A useful tool to support young children's nutritional needs.

Young Child Formula (YCF) is a food product category which is specifically designed to fulfil the nutritional needs of young children aged from 1 to 3 years old.

Young children are not 'mini-adults', but a vulnerable group with specific nutritional needs. They are at risk of certain deficiencies. For this reason, adequacy of key nutrients during this important development period has short- and long-term benefits on the immune system, metabolism, brain development, and overall health later in life. However, meeting nutritional requirements in young children is often a challenge in reality. From that perspective, the composition of YCF is adjusted to the specific nutritional needs of European young children, by providing essential nutrients such as unsaturated fats, vitamins and minerals. YCF as a liquid part of a diversified diet can contribute to improve healthy growth and is one of the most practical and available food sources to increase n-3 PUFA, iron, vitamin D and iodine intakes as acknowledged by the European Food Safety Authority (EFSA)², which will help prevent common deficiencies in young children.

2. Insufficient regulation in view of a vulnerable population group.

The EU does not specifically regulate composition and labelling requirements for YCF and therefore does not sufficiently protect young children, who are a vulnerable consumer group.

Since 2016, on the European level, Young Child Formula (YCF) has been considered as a "general food": its composition is not specifically regulated, and adult Reference Intakes (RI) apply to these products. According to the EFSA, RI is the intake of a nutrient that is likely to meet the needs of almost all healthy people in a population. Consequently, products with inappropriate compositions targeting young children may be placed on the market. For example, drinks with high sugar content or inadequate levels of nutrients.

Furthermore, there is a lack of coherence in EU legislation: while the nutritional safety of young children is not specifically protected, the legislator has fortunately continued to recognize the need for specific protection on food safety. For instance, in the EU legislation on contaminants, specific maximum levels are set for the YCF category³.

Young children would be fully protected if the composition and labelling of YCF was specifically regulated, similarly to other products for infants and young children.

3. For a level playing field in the internal market and globally.

The lack of specific regulation causes challenges in internal and global markets.

The lack of harmonized legal composition requirements for YCF has led to a fragmentation of the EU internal market and brings legal uncertainty and an unfavorable environment for food business operators. Today, recipes and labels often have to be adapted to the different interpretations and requirements of Member States.

¹ EU Transparency Register Number: 33498019160-40.

² EFSA NDA Panel (EFSA Panel on Dietetic Products, Nutrition and Allergies), 2013. Scientific Opinion on nutrient requirements and dietary intakes of infants and young children in the European Union. EFSA Journal 2013;11(10):3408, 103 pp.doi:10.2903/j.efsa.2013.3408, <https://www.efsa.europa.eu/en/efsajournal/pub/3408>.

³ Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No. 1881/2006. Annex I set Maximum levels for certain contaminants in food, and young child formula is specifically mentioned in relation to 8 different contaminants including aflatoxin, lead, and cadmium.

Infant and young children nutrition products are among the EU's most valuable agri-food exports. The product category "infant food and other cereals, starch or milk preparations" accounts for approximately €8bn EUR of EU exports to the rest of the world per year, making it one of the top three agri-food exports in several of the last five years⁴.

The quality and safety of European infant and young children nutrition products is ensured by a strict EU regulatory framework, which explains the popularity of these products in third countries. However, the lack of a clear, specific EU regulatory framework for YCF could endanger the trust and popularity of the European YCF products in third countries.

The lack of regulation is inconsistent with the international framework.

Finally, the absence of EU rules for YCF is not consistent with **international Codex Alimentarius Standards** and general principles of EU law.

For many years, the Codex Alimentarius (the global body for food standards, which counts inter alia all EU countries among its members) has recognized the existence of specific nutritional needs for young children. The Codex Standard for Follow-up-Formula for older infants (6-12 months) and products for young children (12-36 months) includes strict requirements for the composition of YCF. An extensively updated version of this Standard was published in February 2024⁵.

While Codex Alimentarius Standards are not directly binding, the EU has a legal obligation to duly consider them:

- Article 5° (3) of Regulation (EU) 178/2002 (General Food Law Regulation) states that "*where international standards exist or their completion is imminent, they shall be taken into consideration in the development or adaptation of food law*".
- In addition, Article 13° of the same Regulation specifies that "*the Community and the Member States shall: (...) (e) promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Community is not reduced*".

Codex Standards usually reflect the minimum level of protective measures on which the international community can agree. The EU very often adopts stricter legislation, but in this case, EU legislation remains much less strict than the Codex Standard.

To ensure consistency with the international framework, the composition of YCF at EU level should be aligned with the newly revised Codex Standard for young child products. The role of proper nutrition for optimal development during the first 3 years of life cannot be overestimated. This request would allow for an appropriate level of protection for young children as well as legal certainty for food business operators in the European Union.

Call to Action

SNE is calling on European decision-makers to **support regulation of YCF at EU level**. This is crucial to promote the healthy development of young children, as well as to ensure the smooth functioning of the internal market and legal certainty for EU food business operators.

The **composition of YCF should be regulated** by implementing the updated Codex Standard into EU law, considering the specific nutritional needs of young children in the EU.

⁴ European Commission, Monitoring EU Agri-Food Trade: developments in 2021.

⁵ Food and Agriculture of the United Nations (FAO). Codex Alimentarius, International Food Standards, Standard for Follow-Up Formula for Older Infants and Product for Young Children, CXS 156-1987. (2023).