

Food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control

2011/0156(COD) - 15/06/2016 - Follow-up document

This report is intended to meet the obligation set for the Commission by Regulation (EU) No 609/2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control ('FSG Regulation').

The report relates to the **necessity, if any, of specific provisions for food intended for sportspeople ('sports food')**. The request for the report is linked to the repeal by the FSG Regulation of the framework on foodstuffs intended for particular nutritional uses, as of 20 July 2016. This framework was established by a Council Directive in 1989 and completed by the [recast Directive 2009/39/EC](#).

The FSG Regulation does not include sports food within its scope. Thus, since a categorisation as foodstuff intended for particular nutritional uses will no longer be available to sports food, **this type of food will be exclusively governed by horizontal rules of food law as from 20 July 2016**.

This report reflects on **potential consequences of the change of status for sports food**.

Sports food market: taking into account the classifications developed over the years and the current market, **three categories** of sports food are established: (1) sports drinks; (2) (protein-based) muscle strengthening, building and post exercise recovery products, and (3) energy and performance boosting products and products for on-going supplementation of sportspeople.

The EU wide market for sports nutrition and drinks was worth **EUR 3.07 billion (retail value)** in 2014. The market for sports food at EU level has grown by 11.2% between 2009 and 2014, equivalent to a compound **annual growth rate of 2.2%**. This growth has mainly been driven by protein-based products, which grew by 68% over the period.

Issues relating to sports food after 20 July 2016: the report analyses how sports food currently classified as food intended for particular nutritional uses would be affected under the horizontal rules of food law in the absence of specific legislation after 20 July 2016 (when Directive 2009/39/EC is repealed). It examines aspects related to food safety, consumer information, composition, and notification required by national competent authorities.

The report also examines the need for legislation for the products concerned. No change would occur for sports food currently considered as food for normal consumption governed by relevant horizontal rules of food law.

National competent authorities' and interested parties' positions: the report notes that the **majority of national competent authorities** believe that the existing horizontal rules of food law are either quite suitable or very suitable for regulating sports food. Six national competent authorities have recognised the need for specific rules for sports food.

Operators are clearly divided on the question whether specific legislation is necessary for sports food or whether sports food should be governed by horizontal rules of food law. In general, food industry groups consider that the legislation, whether horizontal in nature or specific, should adequately allow the

provision of relevant information for sports food with particular attention to the nutritional characteristics and the intended use.

Conclusions: the report concludes that people carrying out sports activity can hardly be characterised as a specific vulnerable group of consumers but rather as a target group of the general population who is protected at an appropriate level by horizontal legislation.

The Commission considers that the growing completion of the horizontal rules of food law which took place in the last few years, has put in place **an appropriate legislative framework** to ensure that sports food classified nowadays as food intended for particular nutritional uses can remain on the market and can operate. Furthermore, **the horizontal rules of food law provide the necessary safeguards** for these products in terms of food safety, food composition, consumer information and legal certainty.

As a result, not only will all sports food products be subject to the same legal requirements but they will also have the same level of harmonisation as other foods falling under the horizontal rules of food law.

Accordingly, the report concludes that **there is no necessity for specific provisions for food intended for sports people**. The Commission will ensure proper application of horizontal legislation and monitor the developments after 20 July 2016, since sports food may include some element of specificity, which may have to be taken into account by the Commission in the application and implementation of the horizontal rules.