NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** EUROPEAN UNION**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** European Commission**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** European Commission,EU-TBT Enquiry Point,Fax: +(32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euWebsite: <http://ec.europa.eu/growth/tools-databases/tbt/en/> |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Food |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Delegated Regulation (EU) amending Delegated Regulation (EU) 2017/1798 as regards the lipid and magnesium requirements for total diet replacement for weight control; (5 page(s), in English), (2 page(s), in English) |
| **6.** | **Description of content:** This delegated Regulation aims at amending certain compositional requirements set out by Commission Delegated Regulation (EU) 2017/1798 for total diet replacement for weight control based on the relevant EFSA scientific opinion. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** The Commission has received a request, accompanied by a list of new scientific evidence, from Total Diet & Meal Replacements Europe for the revision of the minimum content of linoleic acid and alpha-linoleic acid as well as the maximum content of magnesium set out in Delegated Regulation (EU) 2017/1798 for total diet replacement for weight control.The Commission asked EFSA to assess the submitted scientific evidencetogether with any other relevant new scientific evidence available and, if necessary, to update the conclusions of its latest scientific opinion on total diet replacement for weight control. In its opinion of 15 April 2021, EFSA concluded that there is no need to add linoleic acid to total diet for weight control and that a minimum of 0.8 g/day alpha-linolenic acid needs to be supplied by total diet for weight control in order to meet the adequate intake for alpha-linolenic acid. EFSA further concluded that the likelihood that magnesium-induced diarrhoea occurs at a severity that may be considered of concern for overweight or obese individuals consuming total diet for weight control, who more often suffer from constipation than diarrhoea, is low when the total maximum magnesium content in total diet replacement for weight control is 350 mg/day.Taking into account the conclusions of that opinion, it is appropriate to lower the minimum alpha-linolenic acid content required under Delegated Regulation (EU) 2017/1798 for total diet replacement for weight control to 0.8 g/total daily ration and to increase the maximum magnesium content permitted for those products to 350 mg/total daily ration as well as to delete the provision on the minimum content of linoleic acid; Protection of human health or safety |
| **8.** | **Relevant documents:** 1. Commission Delegated Regulation (EU) 2017/1798 of 2 June 2017 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control [EUR-Lex - 32017R1798 - EN - EUR-Lex (europa.eu)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1798)
2. EFSA NDA Panel (EFSA Panel on Nutrition, Novel Foods and Food Allergens), 2021. Statement on additional scientific evidence in relation to the essential composition of total diet replacement for weight control. [Statement on additional scientific evidence in relation to the essential composition of total diet replacement for weight control | EFSA (europa.eu)](https://www.efsa.europa.eu/en/efsajournal/pub/6494)
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| **9.** | **Proposed date of adoption:** 3rd quarter 2022**Proposed date of entry into force:** The proposed measure shall enter into force following its publication in the Official Journal of the EU. |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** European Commission,EU-TBT Enquiry Point,Fax: + (32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euThe text is available on the EU-TBT Website : <http://ec.europa.eu/growth/tools-databases/tbt/en/><https://members.wto.org/crnattachments/2022/TBT/EEC/22_3480_00_e.pdf><https://members.wto.org/crnattachments/2022/TBT/EEC/22_3480_01_e.pdf> |