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New EU Rules for Sports Food

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Report Highlights:

On July 20, 2016, the EU's new "Food for Specific Groups" (FSG) regulation 609/2013 becomes applicable. In June 2016, the European Commission presented a report evaluating the necessity to include specific provisions on sports food in the FSG regulation and concluded there is not. This report provides an overview of the horizontal food EU food rules that will be applicable to sports food after July 20, 2016.

New EU Rules for Sports Food

On July 20, 2016, the EU's new [Food for Specific Groups \(FSG\) regulation 609/2013](#) becomes applicable. The scope of the FSG regulation is limited to food intended for the following vulnerable groups of consumers: infants and young children, food for special medical purposes and total diet replacements for weight control. Under the old rules, sports food could be classified either as "food intended for particular nutritional uses" or as food for normal consumption governed by relevant horizontal EU rules of food law. The new FSG regulation no longer includes sports food within its scope which means that, starting July 20, 2016, this type of food will be exclusively governed by horizontal rules. Article 13 of FSG regulation 609/2013 required the European Commission to present a report evaluating whether or not the adoption of specific provisions for food for sportspeople is needed.

This report updates and complements [GAIN report E14010](#) and [GAIN report E16010](#) on "New EU Rules on Dietetic Foods".

Commission Report on Food Intended for Sportspeople

On June 15, 2016, the European Commission published its long-awaited [report on food and beverages labeled for specifically for sportspeople](#). The Commission notes that sportspeople can hardly be characterized as a specific vulnerable group of consumers as sport has become a mainstream activity. The report identifies the following three broad categories of sports food on the EU market: (1) sport 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. According to the Commission report, existing horizontal EU food rules provide an adequate legislative framework for these products in terms of food safety, food composition, consumer information and legal certainty. The Commission report concludes that "there is no necessity for specific provisions for food intended for sportspeople". However, the report also recognizes that "sports food may include some element of specificity" which should be taken into account when applying the horizontal rules.

EU Horizontal Rules Covering Sports Food

Under the old rules, foods for particular nutritional purposes were required to indicate their suitability for the claimed nutritional purposes and health benefits although no authorizations were needed. Starting July 20, 2016, sports food will be regarded as general food and will have to be labeled in accordance with the EU's [Food Information to Consumers \(FIC\) regulation 1169/2011](#). Voluntary nutritional or health benefit statements will have to comply with the [Nutrition and Health Claims regulation 1924/2006](#). After July 20, 2016, sports food previously classified as food for particular nutritional uses will for compositional reasons mostly be regarded as food supplements or fortified foods which means that they will have to comply with [Food Supplements directive 2002/46](#) and [Fortified Foods regulation 1925/2006](#) respectively.

EU-Harmonized or Member State Rules?

Certain Member States required the notification of sports food as a food intended for particular nutritional uses while others did not. The same approach applies to food supplements and fortified foods where certain Member States require notification for monitoring purposes. Whether a possible re-notification of sports food will be requested when the new FSG regulation becomes applicable on July 20, 2016, will depend on the decision of the Member States. Maximum levels of vitamins and minerals as well as the addition of substances other than vitamins and minerals (e.g. botanicals) are not yet EU-harmonized. This means that in addition to the

EU horizontal rules, national rules will also apply to sports food. Certain substances may also fall within the definition of a novel food and will have to comply with the EU'S [Novel Food regulation 258/97](#) (will be replaced by [regulation 2015/2283](#) as of January 1, 2018).

Overview of EU Legislation Applicable to Sports Food

- [Food Information to Consumers \(FIC\) regulation 1169/2011](#)
- [Nutrition and Health Claims regulation 1924/2006](#)
- [Fortified Foods regulation 1925/2006](#)
- [Food Supplements directive 2002/46](#)
- [Novel Food regulation 258/97](#) (will be replaced by [regulation 2015/2283](#) as of January 1, 2018)

Implications for U.S. Exporters

U.S. exporters are strongly advised to check for new requirements with their local importers. The Commission report points out that reformulation of certain sports food may be needed in order to comply with the fortified foods regulation. Additional costs can also be expected in the context of applications for authorizations of health claims.