

Concerns for Primary Food Processors with regards to the scope of the definition of Novel Food in the proposal for a Regulation of the European Parliament and of the Council on Novel Foods COM (2013) 0894

The cut-off date of 15 May 1997 as only criteria of the definition of “Novel Food” resulting in a broader scope of the Regulation

The specific categories of food, which were part of the definition of “Novel food” in Regulation 258/97, have been removed in the proposal of the Commission. The cut-off date of 15 May 1997 becomes the only criteria of the definition which is considerably broadening the scope of what is meant by novel food.

The retroactive application of the definition of “Novel Food”

- In the absence of criteria other than the date of 15 May 1997, the definition as proposed applies retroactively to all individual foods that have been placed on the EU market since 15 May 1997, which is in contradiction with the objective of the revision of the Regulation (as shown by recital 13 on new combinations of common ingredients).
- With such definition, many foods lawfully placed on the market since 1997, but which were not in the scope of the previous Regulation, would become subject to approval as novel foods.

The impracticality of the definition when the proof that a food is novel is the cut-off date of 15 May 1997

- PFP calls into question the practicality of the date of 15 May 1997 as a criterion of the definition as it is in practice virtually impossible now to find “proof” of non-novel status going back so far (information being not available and not precise enough).



The Vital Link in the Food Chain

The definition of “novel foods” as presented in the Commission’s proposal lacks legal certainty, is too wide in scope, is open to interpretation, and is likely to result in systematic request for advice or decision on novel food status in case of doubt (by food business operators or Member State authorities). It would thus have serious implications on primary food processors. The definition should not bring within its scope food products that have been legally and safely placed on the EU market since May 1997. The new Regulation should not apply retroactively to 15 May 1997.

The ongoing discussions suggest that there is consideration of a return to categories, which could offer a more practical solution. PFP supports this new approach and calls upon decision makers to assure legal certainty. PFP is ready to contribute at a technical level to assure clarity and legal certainty for the products it represents.

Brussels, 10th June 2014

The **Primary Food Processors of the EU (PFP)** consists of six trade associations:

European Starch Industry Association (AAF)
European Committee of Sugar Manufacturers (CEFS)
European Cocoa Association (ECA)
European Flour Milling Association (European Flour Millers)
European Vegetable Protein Federation (EUVEPRO)
European Oil and Proteinmeal Industry (FEDIOL)

PFP represents the European primary food processing industries. It provides the link between agricultural raw materials and final products (secondary processors in the food, feed and non-food sectors). PFP members process approximately **220 million tons of raw materials** (cereals, sugar beet, rapeseeds, soybeans, sunflower seeds, cocoa beans, crude vegetable oil, starch potatoes...) **employing over 120 000 people** in the European Union.

