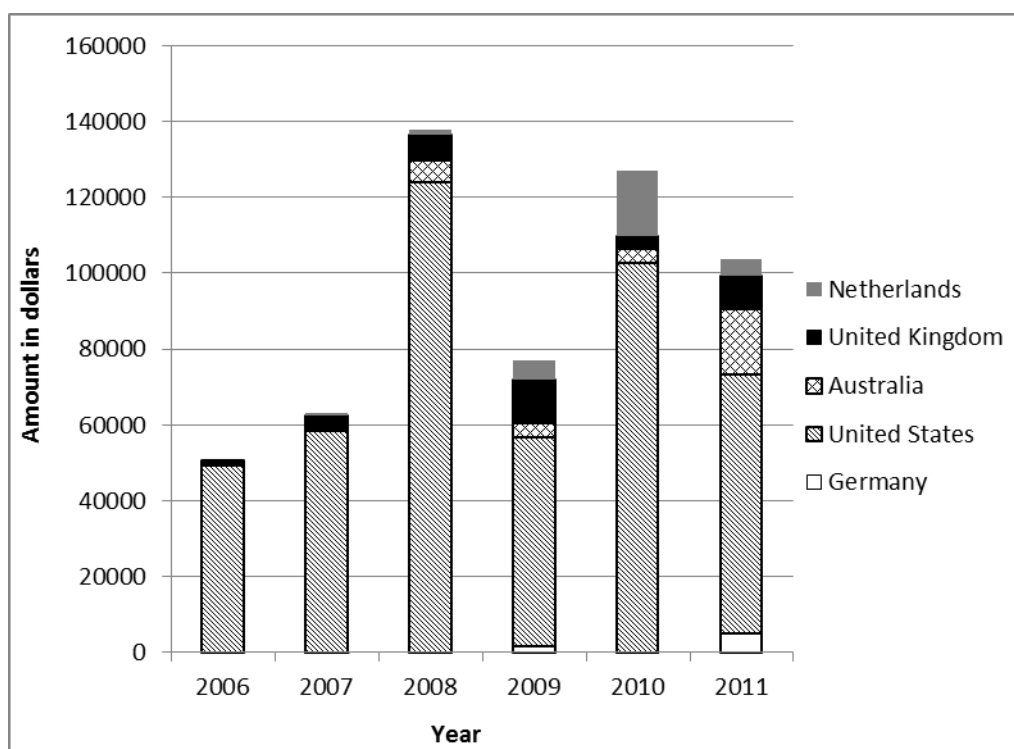


**IMPLEMENTATION OF REGULATION NO. 258/97
CONCERNING NOVEL FOODS**

Communication from Peru

1. Peru once again wishes to raise before the Committee on Sanitary and Phytosanitary Measures its trade concern regarding Regulation No. 258/97 of the European Parliament and of the Council concerning novel foods, the implementation of which continues to restrict access to the European market for traditional products derived from biodiversity that were not marketed in the European Union before 15 May 1997 (products which this Regulation refers to as "novel foods").
2. Peru considers the provisions of Regulation No. 258/97 to be unnecessary and unjustified in so far as they equate products that are new in the strict sense with products that already have a history of safe consumption in other markets and so present no risk whatsoever to European consumers, as is the case of traditional Peruvian products derived from biodiversity, such as yacón, sacha inchi and camu camu.
3. The wild or cultivated yacón plant (*Smallanthus sonchifolius*) is a product of biodiversity currently found in a large part of the Andean highlands. Yacón syrup has secured a good position in the natural sweetener market thanks to its low calorie content, which is linked to its high content of fructooligosaccharides (FOS).
4. The following table shows how the consumption of yacón syrup has increased in different countries. From the data shown, it is clear that yacón syrup has a history of safe consumption not only in countries such as the United States, but in some Member States of the European Union such as the Netherlands, the United Kingdom and Germany, and that it has managed to expand into the international market while maintaining its original consumer base.

Exports of yacón syrup from Peru to other countries



Source: PROMPERU

5. Peru recognizes that ensuring an appropriate level of protection for consumers is a legitimate objective. However, as pointed out in previous communications, it considers Regulation No. 258/97 to constitute, in practice, an unnecessary and unjustified barrier to trade, as this instrument not only fails to distinguish between products that are new in the strict sense (which have not been consumed anywhere in the world) and foods that have not been consumed or marketed specifically in the European Union, but discriminates against traditional products of biodiversity because they were not marketed significantly in Europe before an arbitrary date (May 1997).

6. Peru also wishes to point out that while countries are able to adopt measures establishing the levels of protection they consider appropriate, these measures must not be more trade-restrictive than required and must be adopted on the basis of a proper risk assessment and scientific evidence, as stipulated in Article 5 of the WTO Agreement on Sanitary and Phytosanitary Measures. In the case of the Regulation in question, and despite requests made in previous communications, we have not been given any technical information that supports the need for this Regulation and its application to traditional products deriving from our biodiversity.

7. For the above reasons, Peru requests the European Union to exclude from the scope of Regulation No. 258/97 concerning novel foods, or from any future amendment thereto, any traditional products derived from biodiversity that have a history of safe consumption in their country of origin or in other markets outside Europe, so that the marketing of such products by developing countries is not unduly affected.