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Committee on Sanitary and Phytosanitary Measures

Original: Spanish

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

COMMUNICATION FROM PERU

The following communication, dated 27 February 2013, is being circulated at the request of the delegation of Peru.

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1. Peru wishes to reiterate its trade concern regarding the implementation of Regulation No. 258/97 concerning novel foods, which affects and restricts entry into the European market for certain traditional products derived from the country's biodiversity that were not marketed in Europe prior to 15 May 1997.

2. The Regulation and its implementation constitute an unwarranted barrier to international trade in traditional Peruvian products deriving from the country's biodiversity, owing to the high cost of preparing the request dossier for a particular form of a specific product (due to the scientific studies required) and the amount of time needed to approve a product's entry into the European market. Despite the interest shown by various EU importers in products deriving from biodiversity, the reality is that for Peru the entry of these products into the European market has been affected by the implementation of Regulation No. 258/97.

3. The implementation of this Regulation therefore undermines international cooperation and technical assistance efforts in the areas of market development and research, training for small and medium-sized producers and exporters, quality control, and proper production process management, and contact with potential European importers of traditional products deriving from biodiversity.

4. Peru wishes to emphasize its concern regarding this Regulation by highlighting another example, that of camu camu (*Myrciaria dubia*), a wild fruit tree originating in the western Amazon basin, the fruit of which contains a high content of ascorbic acid (between 2,000 and 2,994 mg per 100g of fresh pulp) (Ferreyra, 1959; Roca, 1965; Flores, 1997; Villachica, 1996). Camu camu fruit, in juice and pulp form, has sparked a great deal of interest on the international market due to its antioxidant properties (Ramos *et al.* 2008, Guija *et al.* 2005). Japan and the United States are the main importers of camu camu juice and pulp.

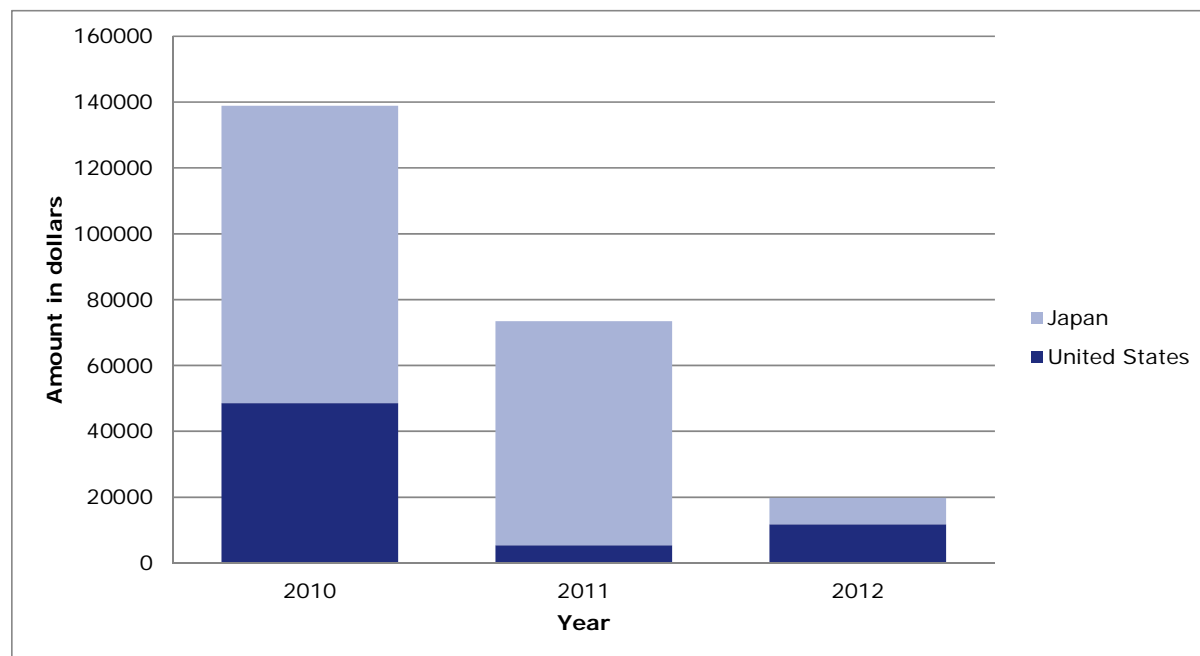
5. It should be noted that the Revision to the Codex Classification of Food and Animal Feed (fruit commodity groups) was adopted at Step 8 (the final step for the approval of a Codex Standard) in the report of the 35<sup>th</sup> Session of the Joint FAO/WHO Food Standards Programme - Codex Alimentarius Commission, held in Rome in July 2012 (page 102 of the report). In this document, camu camu is considered part of the group 'Berries and Other Small Fruits' ('Assorted Tropical and Sub-Tropical Fruits - Edible and Inedible Peel').<sup>1</sup>

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<sup>1</sup> [http://www.codexalimentarius.org/input/download/report/772/REP12\\_CACe.pdf](http://www.codexalimentarius.org/input/download/report/772/REP12_CACe.pdf)

6. The following chart shows the considerable demand for camu camu in large and demanding markets such as the United States and Japan, where consumers value products deriving from biodiversity for their nutritional properties. From the information shown, it is clear that camu camu has a history of safe consumption in those countries and that the product has managed to expand into the international market.

**Chart 1 Exports of camu camu pulp and juice from Peru**



Source: PROMPERU.

7. For this reason, applying the Regulation to products deriving from biodiversity, such as camu camu pulp and juice, runs counter to the biotrade initiatives funded by various countries, including the European Union.

8. At the last meeting of the Committee on Sanitary and Phytosanitary Measures in October 2012, the EU delegation stated that Regulation No. 258/97 was to undergo a new revision process with a view to possible modification. We welcome this development and await its implementation. In this context, Peru suggests that traditional products deriving from biodiversity be excluded from the modified version of Regulation No. 258/97 concerning novel foods, so as to avoid a negative and unjustified impact on the sustainable commercial use of the biodiversity resources of developing countries like Peru.

9. In conclusion, Peru requests that the European Union provide information on the progress of the revision and modification of Regulation No. 258/97 concerning novel foods, and that the modified version of this Regulation exclude traditional products deriving from biodiversity that have a history of safe consumption, so as to meet the interests of developing countries like Peru, which seek to obtain economic benefits by marketing resources deriving from their biodiversity in other markets.