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Committee on Sanitary and Phytosanitary Measures

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**COMMENTS ON THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON NOVEL FOODS (DOCUMENT G/SPS/N/EU/64)**

COMMUNICATION FROM PERU

The following communication, received on 26 June 2015, is being circulated at the request of the delegation of Peru.

1. Peru reiterates its concern regarding the European Union's proposal for a Regulation repealing Regulation (EC) No. 258/97 on novel foods, notified to this Committee in document G/SPS/N/EU/64 and the addenda thereto.

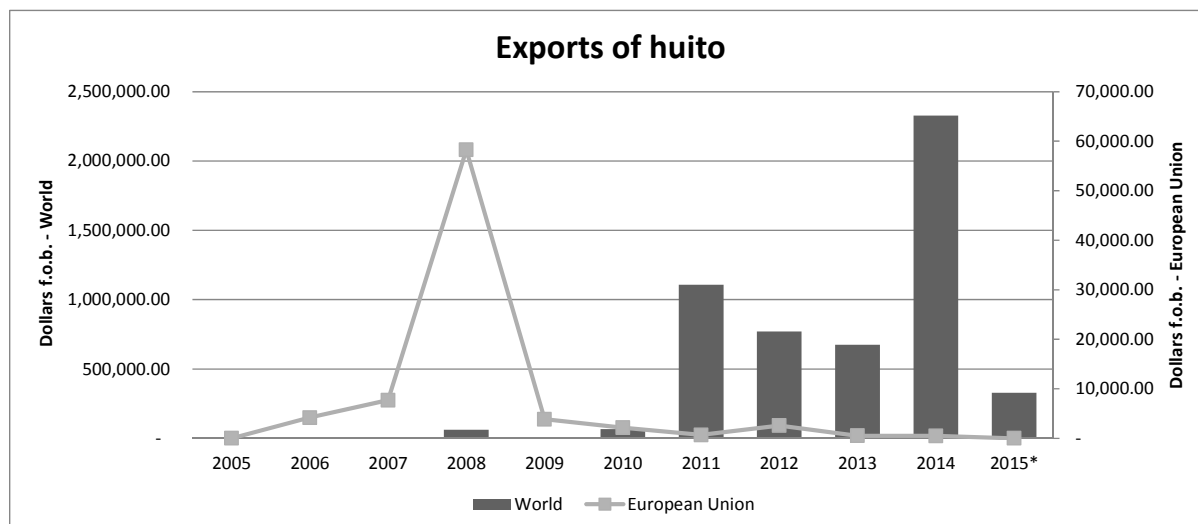
2. The proposed Regulation appears to run contrary to Article 2.2 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), which requires that any sanitary or phytosanitary measure be applied only to the extent necessary to protect human, animal or plant life or health, be based on scientific principles, and not be maintained without sufficient scientific evidence. Accordingly, Peru requests the European Union to indicate the scientific basis for the Regulation on novel foods and for the adoption of 15 May 1997 as a base date for ensuring the history of safe consumption of a novel food.

3. The proposed Regulation also appears to be inconsistent with Articles 5.1 and 5.2 of the SPS Agreement, since the obligation to ensure that sanitary and phytosanitary measures are based on an assessment of the risks to human life or health lies with the importing Member.

4. It should be emphasized that Peru's traditional biodiversity products with high export potential are being affected by the European Union's current Regulation on novel foods. By way of example, the chart below shows Peru's global exports of huito (*Genipa Americana L.*)¹, which increased by more than 240% in 2014 and went to markets such as the United States, Japan and Russia.

5. The following statistics show that huito has a long history of safe consumption and is therefore widely accepted in the international market. Nonetheless, the marketing of this food in the European market is restricted and its real potential cannot be exploited, to the detriment of small- and medium-sized Peruvian producers and exporters of the product. As a result, while huito exports to the world amounted to US\$674,930.28 and US\$2,327,728.91 in 2013 and 2014 respectively, no exports were destined for the European Union during the same period.

¹ Huito is an Amazonian fruit used to make jam, soft drinks, syrups, ice cream, sweets and other preparations. Currently, 100% of Peruvian exports of this product are in the form of natural juices.



* Data as at March 2015.

Source: Promperú

6. In conclusion, Peru hopes that the European Union will take into consideration the points that have been raised both in this document and throughout the years spent discussing this topic in the Committee, since this measure represents an obstacle to real and effective access to the European market for traditional biodiversity products.