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Committee on Sanitary and Phytosanitary Measures

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**REGULATION (EU) 2015/2283 OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON NOVEL FOODS**

COMMUNICATION FROM PERU

The following communication, received on 4 March 2016, is being circulated at the request of the delegation of Peru.

1. Peru would like to state before the Members of the WTO its trade concern regarding Regulation (EU) 2015/2283 of the European Parliament and of the Council which, like Regulation (EC) No. 258/97, restricts entry into the European market of certain foods and food ingredients which it qualifies as "novel foods" because they were not sold in that market before 15 May 1997.

2. This Regulation, like its predecessor Regulation (EC) No. 258/97, is inconsistent with Article 2 (Basic Rights and Obligations) and Article 5 (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection) of the Agreement on the Application of Sanitary and Phytosanitary Measures in that the ban on the marketing of "novel foods" (which are traditional foods deriving from biodiversity) is not justified by any scientific evidence of the need for the Regulation. Peru asks the European Union to supply the scientific evidence of the need for this Regulation on "novel foods" and for establishing the date of 15 May 1997 for food to be considered a "novel food".

3. Peru also asks the European Union to provide scientific justification for requiring that a "novel food" should have a history of consumption for at least 25 years in order to be considered safe for human use. In practice this requirement, for which there is no scientific justification, acts as a real barrier to access to the European market for traditional products derived from biodiversity from developing countries such as Peru.

4. In short, Regulation (EU) 2015/2283 has not removed the inconsistency of Regulation (EC) No. 258/97 with the principles and provisions of the SPS Agreement, i.e. the restrictions on access to the European market that have been in force for years have been maintained.

5. It is important to note that the negative impact of this Regulation on "novel foods" is felt particularly strongly by the small and medium enterprises (SMEs) in the developing countries, which are confronted with a regulation that imposes, without any scientific justification, requirements that increase the costs involved in trying to place a biodiversity-based product on the European market. Peru has already provided examples of the products affected by this kind of regulation in earlier communications to this Committee: they include camu camu, algarrobo, yacón and sacha inchi.¹

6. In conclusion, Peru hopes that the European Union will be able to settle the concerns that have arisen with regard to the new Regulation, which acts as an unjustified barrier to real access to the European market for biodiversity-based products from developing countries.

¹ G/SPS/GEN/1087, G/SPS/GEN/1117, G/SPS/GEN/1194, G/SPS/GEN/1218.