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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, dated 17 June 2014, is being circulated at the request of the delegation of Peru.

1. Peru wishes to thank the European Union for presenting a 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 addenda thereto.

2. In accordance with the established procedure, Peru submitted a number of comments on this proposal in document G/SPS/GEN/1329. These comments concern points that Peru considers could be improved in the final regulation repealing Regulation (EC) No. 258/97 in order to facilitate access to the European market for biodiversity products from developing countries.

3. On this occasion, Peru would like to address a key issue in the proposed Regulation repealing Regulation (EC) No. 258/97 on novel foods, namely the definitions of "novel food", "traditional food from a third country" and "history of safe food use in a third country" in Article 2.2 of the proposal.

4. With regard to the definition of "novel food", the draft maintains 15 May 1997 as the reference date for determining that a food is novel if it has not been marketed in the European Union until then, which is arbitrary and constitutes an unjustified restriction on access to the European market. Peru requests that the European Union, in accordance with Articles 2.2 (Basic Rights and Obligations) and 5.1 (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection) of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, specify the scientific principles and the risk assessment on the basis of which it established 15 May 1997 as the reference date for determining that a food is novel.

5. In relation to the definition of "traditional food from a third country", Peru is concerned because the majority of potentially exportable traditional foods derived from native biodiversity involve a high level of processing and are not necessarily derived from primary production. Such is the case, for example, of Peruvian exports of sacha inchi (*Plukenetia volubilis* Linneo) to Canada, the United States of America and Japan and of camu camu (*Myrciaria dubia*) to the United States of America, Japan and Australia in 2013.

6. As far as the definition of "history of safe food use in a third country" is concerned, although it is important to refer to this in the draft amendment to the Regulation, the time-period of twenty-five (25) years for demonstrating safe use is too long and does not guarantee real and timely access to the European market for these traditional products derived from biodiversity. Furthermore, continued use in the customary diet of a large part of the population as a requirement is too onerous and difficult to prove for exporters of these biodiversity products, which are mostly small and medium-sized producer-exporters. Peru therefore suggests, in relation to the history of safe food use in a third country, consideration of a period of five (5) years within a given geographical area of the respective country without any indication of risk to human health during this period.

7. In view of the foregoing, Peru requests that the European Union review the definitions provided in the proposed Regulation repealing Regulation (EC) No. 258/97 in order to establish criteria that afford traditional biodiversity products from developing countries real and timely access to the European market.
