



1 October 2015

(15-5089)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Spanish

**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 30 September 2015, is being circulated at the request of the delegation of Peru.

---

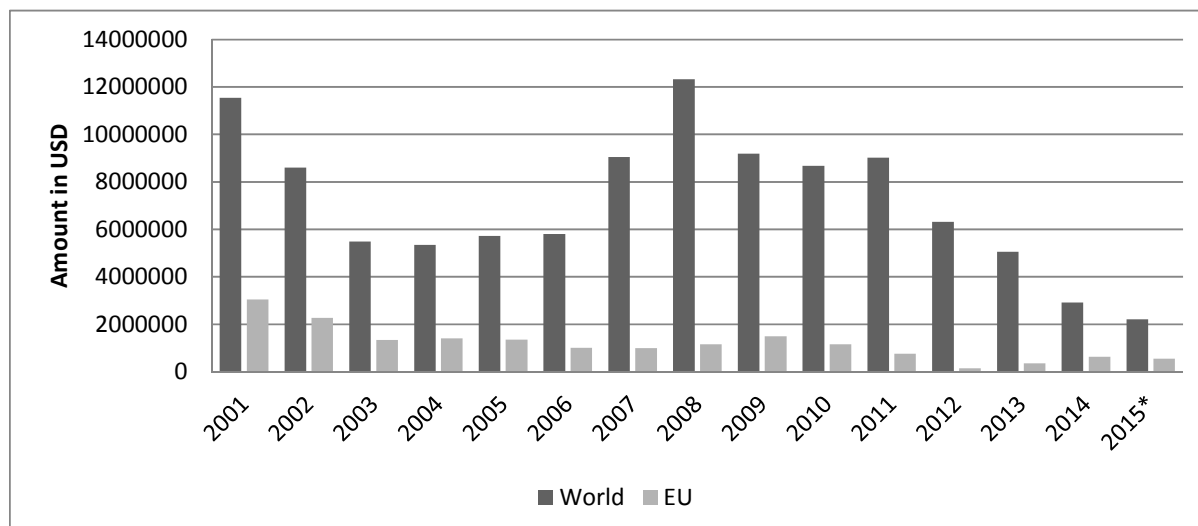
1. Regarding the trade concern arising from the proposed Regulation of the European Union repealing Regulation (EC) No. 258/97 on Novel Foods, which was notified to this Committee in Document G/SPS/N/EU/64 and addenda thereto, Peru would like to reiterate some of the issues raised earlier, to which the European Union has not fully replied.

2. The proposed Regulation is inconsistent with Article 5.1 and 5.2 (Assessment of Risk and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection) and with Article 2.2 (Basic Rights and Obligations) of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), since the ban on the marketing of traditional biodiversity foods is not justified by any scientific evidence of the need to apply such a measure. Similarly, there would appear to be no scientific justification for each exporter having to demonstrate the safety of each product it wishes to place on the European market.

3. It should be emphasized that Peru's traditional products with high export potential derived from biodiversity are being affected by the European Union's current regulation. The table below provides an example of world exports of Peruvian ornamental fish.<sup>1</sup> Trade in ornamental fish in Peru began in the early 1950s, and exports have spread to more than 80 countries including, for example, Australia, Japan, the United States, and Switzerland. Moreover, trade in ornamental fish is of paramount importance for vulnerable areas of Peru such as Loreto, Ucayali and Madre de Dios; and yet their sale in the European Union market is subject to restrictions that prevent their real potential from being exploited.

---

<sup>1</sup> According to data from the Peruvian Amazon Research Institute (IIAP), in 2013 there existed more than 300 Amazon native species in Peru that could be classified as ornamental fish.



\*Exports at July 2015

Source: PROMPERÚ

4. Without prejudice to the issues raised earlier, Peru requests the European Union to explain how the proposed Regulation would be consistent with Article 10 (Special and Differential Treatment) of the SPS Agreement, since it fails to take account of the special needs of developing countries like Peru as regards access for biodiversity products, and instead raises barriers that prevent such products from being placed on the European market.

5. In conclusion, Peru hopes that the European Union will be able to settle the concerns that have arisen in connection with the proposed Regulation, which constitutes an unwarranted barrier to trade in biodiversity products from the developing countries.