

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Ref. 1084933

30 October 2008

SUBCOMMITTEE I ON THE FREE MOVEMENT OF GOODS

EEA EFTA Comments on the proposal for a Regulation of the European Parliament and of the Council on novel foods and amending regulation EC No. XXX/XXXX [common procedure] COM(2007) 872 final

EXECUTIVE SUMMARY

In general, the EEA EFTA Member States are pleased with the proposed Regulation. The principal changes from the current legislation are positive.

The EEA EFTA Member States are of the opinion that the definition of “traditional food from a third country” is too broad. Food supplements and foods to which substances with a nutritional or physiological effect are added should not be included in this definition.

I. GENERAL COMMENTS

1. The EEA EFTA Member States (Iceland, Liechtenstein¹ and Norway) welcome the Commission’s proposal for a Regulation of the European Parliament and of the Council on novel foods, submitted on 14 January 2008.

2. The EEA EFTA States agree with the principal changes from the current legislation that the proposal entails. These changes include clarifying the definition of novel foods and the scope of the Regulation, improving the efficiency, transparency and application of the authorisation system, replacing applicant linked approvals with generic approvals, and developing a more adjusted safety assessment system for traditional food from third countries.

¹ By means of Joint Committee Decision No. 97/2007 of 28 September 2007, Liechtenstein has been exempted from the application of legislation in the field of foodstuffs.

II. SPECIFIC COMMENTS

3. At present, uniform criteria and guidelines apply for the safety assessment of all kinds of food, including traditional food from third countries and newly developed innovative food. Consequently, the requirements are not always proportional to potential risks. This is creating administrative burdens and unjustified barriers to trade for traditional foods. The EEA EFTA States consider differentiated safety assessment to be appropriate, while it is important at the same time to ensure a maintained safety level.

4. According to the proposal, a safety assessment and management of traditional food from third countries must be based on the history of safe use of the food in the country of origin. If a history of safe use has been demonstrated and the Member States and EFSA do not have reasoned safety objections within 4 months based on scientific evidence, then the food could be placed on the market on the basis of a notification from the food business operator intending to market the food.

5. Pursuant to Article 3 (2) (b) of the proposal, traditional food from a third country is defined as “novel food with a history of food use in a third country, meaning that the food in question has been and continues to be part of the normal diet for at least one generation in a large part of the population of the country”.

6. The EEA EFTA Member States are concerned that the definition of “traditional food from a third country” is too broad. Novel food also includes foods like food supplements and functional foods, i.e. foods that are designed to have special nutritional and/or physiological effects. Such foods could potentially contain hazardous substances, and should go through an ordinary risk assessment before being placed on the market. Even a long tradition does not exclude the possibility that there may be concerns with regard to the products safety. Therefore, the competent authorities should be entitled to ask for all data necessary for assessing the safety.

7. The EEA EFTA Member States believe that the definition of traditional foods should be limited, so that food supplements and functional foods are not included.

* * * * *