

EN
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Answer given by Mr Várhelyi
on behalf of the European Commission
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Regulation (EU) 2015/2283 on novel foods¹ establishes a harmonised framework for the authorisation of novel foods. In accordance with Article 3 of the Regulation, UV-treated foods not used for human consumption to a significant degree within the Union before 15 May 1997 fall within the scope of the Regulation when the treatment results in significant changes in the composition or structure of a food, affecting its nutritional value, metabolism or level of undesirable substances. Several UV-treated novel foods have been authorised at Union level and included in the Union list of novel foods. Those novel foods may be placed on the Union market under the conditions of their authorisation. In contrast, UV-treated novel foods not included in the Union list in line with the provisions of the Regulation cannot be marketed in the Union. Within this framework, the adoption of divergent national measures is not permitted.

Non-novel UV-treated foods are subject to the general requirements for food in the EU² and to the national provisions of the Member State in which it is marketed. To be legally acceptable, the national measures cannot be discriminatory, and they have to be justified on grounds such as the protection of human health or consumers, adapted to attain specifically the intended purpose and be proportionate, so the least possible restrictive measures must be chosen.

Against this background, Germany may restrict or prohibit the placing on the market of non-novel UV-treated foods marketed in other Member States on condition that all the legal requirements explained above are respected. If economic operators consider that this is not the case, they may seek amendments in accordance with national procedures or file a complaint with the Commission.

¹ Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.

² In particular, Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.