Commission Implementing Regulation (EU) 2020/1559 of 26 October 2020 amending Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1559

of 26 October 2020

amending Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 12 thereof,

Whereas:

(1) Pursuant to Article 8 of Regulation (EU) 2015/2283, the Commission was to establish, by 1 January 2018, the Union list of novel foods authorised or notified under Regulation (EC) No 258/97 of the European Parliament and of the Council[(2)].

(2) The Union list of novel foods authorised or notified under Regulation (EC) No 258/97 was established by Commission Implementing Regulation (EU) 2017/2470[(3)].

(3) Commission Implementing Regulation (EU) 2018/1023[(4)] corrected the initial Union list of novel foods established in the Annex to Implementing Regulation (EU) 2017/2470 by replacing that Annex. In the meantime eight Commission Implementing Regulations (EU) 2018/460[(5)], (EU) 2018/461[(6)], (EU) 2018/462[(7)], (EU) 2018/469[(8)], (EU) 2018/991[(9)], (EU) 2018/1011[(10)], (EU) 2018/1018[(11)], (EU) 2018/1032[(12)] had been adopted authorising placing on the market of novel foods or extending the use of novel foods respectively. Those Implementing Regulations also updated the Union list. However, those novel foods and extensions of the use of novel foods no longer appear in the list, as replaced by Implementing Regulation (EU) 2018/1023.

(4) For reasons of clarity and legal certainty, the Union list of novel foods set out in the Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended to include those novel foods and extensions of the use of novel foods in the Union list again. Since those novel foods and extensions of the use of novel foods were included in the Union list until the entry into force of Implementing Regulation (EU) 2018/1023 on 13 August 2018, this Regulation should apply as of that date.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1559. (See end of Document for details)*

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2017/2470 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 13 August 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1559. (See end of Document for details)*

ANNEX

The Annex is amended as follows.

(1) Table 1 (Authorised novel foods) is amended as follows:

(a) the following entry is inserted between the entry for '*Echium plantagineum* oil' and the entry for 'Egg membrane hydrolysate':

Authorised novel food	**Conditions under which the novel food may be used**		**Additional specific labelling requirements**	**Other requirements**
'***Ecklonia cava* phlorotannins**	*Specified food category*	*Maximum levels*	The designation of the novel food on the labelling of the foodstuffs containing it shall be "*Ecklonia cava* Phlorotannins". Food supplements containing *Ecklonia cava* phlorotannins shall bear the following statement: (a) This food supplement should not be consumed by children/ adolescents under the age of twelve/ fourteen/ eighteen(*) years.	
	Food supplements as defined in Directive 2002/46/EC intended for the general population, excluding children under the age of 12 years	163 mg/ day for adolescents from 12 to 14 years of age 230 mg/ day for adolescents above 14 years of age 263 mg/day for adults		

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1559. (See end of Document for details)*

			(b)	This food supplement should not be consumed by persons with thyroid disease or by persons who are aware of or have been identified as being at risk of developing thyroid disease.
			(c)	This food supplement should not be consumed if other food supplements containing iodine are also consumed.
			(*)	Depending on the age group the food supplement

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			is intended for.’	

(b) the entry for ‘Taxifolin-rich extract’ is replaced by the following:

Taxifolin-rich extract	*Specified food category*	*Maximum levels*	The designation of the novel food on the labelling of the foodstuffs containing it shall be “taxifolin-rich extract”	
	Yogurt plain/ Yogurt with fruits(*)	0,020 g/kg		
	Kephir(*)	0,008 g/kg		
	Buttermilk(*)	0,005 g/kg		
	Milk powder(*)	0,052 g/kg		
	Cream(*)	0,070 g/kg		
	Sour cream(*)	0,050 g/kg		
	Cheese(*)	0,090 g/kg		
	Butter(*)	0,164 g/kg		
	Chocolate confectionery	0,070 g/kg		
	Non-alcoholic beverages	0,020 g/L		
	Food supplements as defined in Directive 2002/46/EC intended for the general population, excluding infants, young children, children and adolescents younger than 14 years	100 mg/day		
	(*) When used in milk products Taxifolin-rich extract may not replace in			