Commission Implementing Regulation (EU) 2020/206 of 14 February 2020 authorising the placing on the market of fruit pulp, pulp juice, concentrated pulp juice from Theobroma cacao L. as a traditional food from a third country under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Implementing Regulation (EU) 2017/2470 (Text with EEA relevance)

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of 14 February 2020

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(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 and Commission Regulation (EC) No 1852/2001[(1)], and in particular Article 15(4) thereof,

Whereas:

(1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union. Traditional food from a third country is a novel food defined in Article 3 of Regulation (EU) 2015/2283.

(2) Commission Implementing Regulation (EU) 2017/2468[(2)] lays down administrative and scientific requirements concerning traditional foods from third countries.

(3) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470[(3)] establishing a Union list of authorised novel foods was adopted.

(4) Pursuant to Article 15(4) of Regulation (EU) 2015/2283, the Commission is to decide on the authorisation and on the placing on the Union market of a traditional food from a third country.

(5) On 30 January 2019 and 28 March 2019, the companies Nestec York Ltd. and Cabosse Naturals NV. (‘the applicants’) submitted a notification to the Commission of the intention to place fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. (‘Cocoa pulp’) on the Union market as a traditional food from a third country within the meaning of Article 14 of Regulation (EU) 2015/2283. The applicants request for fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. to be consumed as such or as an ingredient by the general population.

(6) Pursuant to Article 7(2) of Implementing Regulation (EU) 2017/2468, the Commission requested additional information from the applicants as regards the validity of the notification. The requested information was submitted on 12 April 2019 and 20 June 2019.

(7) The data presented by the applicants demonstrates that fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. have a history of safe food use in Brazil.

(8) Pursuant to Article 15(1) of Regulation (EU) 2015/2283, on 22 May 2019 and 20 June 2019, the Commission forwarded the valid notifications to the Member States and to the European Food Safety Authority ('the Authority').

(9) No duly reasoned safety objections to the placing on the market within the Union of fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. were submitted to the Commission by Member States or the Authority within the four-months period laid down in Article 15(2) of Regulation (EU) 2015/2283.

(10) The Commission should therefore authorise the placing on the market within the Union of fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. and update the Union list of novel foods.

(11) Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1 Fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. as specified in the Annex to this Regulation shall be included in the Union list of authorised novel foods established in Implementing Regulation (EU) 2017/2470.

2 The entry in the Union list referred to in paragraph 1 shall include the conditions of use and labelling requirements laid down in the Annex to this Regulation.

Article 2

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

Article 3

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

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

Done at Brussels, 14 February 2020.

For the Commission

The President

Ursula VON DER LEYEN