ANH PRACTITIONERS SUMMARY:
NOVEL FOODS AND NOVEL FOOD INGREDIENTS REGULATION

Official 'Europa EU' Summary of Legislation
http://europa.eu/scadplus/leg/en/lvb/l21119.htm

NB: It is important to recognise the difference between a Directive and a Regulation. Directives have a date when they come into force in the Member States (MS), but include a period of transposition where they are incorporated into the Statutory Instrument of the individual MS. There can therefore be small variations in how individual MS interpret the directive. Regulations on the other hand, are considered law in all MS from the date that they come into force–there is no period of transposition or variation in expression.

This regulation applies to food and food ingredients which 'present a primary molecular structure', which consist of micro-organisms, fungi or algae, which consist of or are isolated from plants or animals, or whose nutritional value, metabolism or level of undesirable substances has been significantly changed by the production process.

'*Before being placed on the market, the foods and foods ingredients referred to in the Regulation must undergo Community assessment, as a result of which an authorisation decision may be taken… The authorisation decision defines the scope of the authorisation and specifies, as appropriate, the conditions of use, the designation of the food or food ingredient, its specification and the specific labelling requirements'.*

- **Under the guise of consumer safety**. This regulation, which was originally intended to protect consumers from genetically modified (GM) food, appears increasingly to be being misused by the regulators to prevent people accessing health foods/supplements of non-EU origin. By reclassifying, as novel foods, foods that have not been consumed "*as part of the normal diet*" or foods that are not able to show significant sale within the EU prior to May 1997, this regulation prevents sale on the current EU market (e.g. Stevia and Mangosteen pericarp).