Missing the market

How exotic foods are being barred from the EU

Summary

The Novel Food Regulation, an EU regulation intended to ensure food safety, is presenting a barrier to exotic foods entering Europe. As many of these foods come from developing countries, and their trade is recognized and supported for development objectives, the Regulation is both stifling economic progress and conflicting with the development agendas of EU countries.

The Regulation fails to differentiate between genuinely new foods that have not been consumed anywhere before, and foods that are merely new to Europe. These latter foods, described as exotic, may have been eaten safely by many people over centuries, but this fact is not taken into account when assigning these foods to a 'novel' category in the EU. Under the Novel Food Regulation, extensive scientific data are then required to prove the safety of these foods – essentially a barrier, because of the costs and time involved.

Rich biodiversity

These foods are often products of the rich biodiversity that developing countries have protected and nurtured. The sustainable use of biodiversity, and the fair sharing of benefits from that use, are important goals for a sustainable and equitable future for our planet, as articulated in global agreements such as the Convention on Biological Diversity and the Millennium Development Goals. The Novel Food Regulation is therefore also working against these endeavours.

Photo : UNCTAD/BTFP

Inadequacies of the Novel Food Regulation

The European Commission has recognized inadequacies of the Novel Food Regulation in its treatment of exotic foods. As the Commission is currently looking to revise the Regulation, there is now an opportunity to correct these shortcomings. In a joint effort by GTZ, IPGRI, GFU, CBI and UNCTAD a technical discussion paper has been developed. The discussion paper proposes a revision of the procedure for exotic foods for the European Commission to take into account. In order to inform any interested party on the importance of the proposed revision, this paper outlines the key issues on how to strike a sensible balance between ensuring food safety for European consumers and providing market access for producers and traders of exotic foods.

'Exotic' foods exotic in the EU

Potatoes were once an exotic food in Europe. Brought back by European travellers from the high valleys of the South American Andes where farmers had cultivated them for centuries, they were regarded as highly suspicious and possibly dangerous for many years. Now, they are a much-loved staple of the European diet. Yet had the European Union's Novel Food Regulation been in place in the sixteenth century, potatoes would probably have been denied access to Europe.

Today, other less-known exotic foods are being kept out of Europe by this Regulation, which has – albeit unintentionally – become a barrier to trade in foods that are eaten safely in other parts of the world. Many who are aware of the Regulation and its effects feel that it is time to change.

Neglected crops

Foods which may be exotic in Europe are often commonplace, traditional foods in their place of origin. They are often from crops that are specific to a region, and may be

13.000 known food plants

There are an estimated 13,000 known food plants in the world, but today just a handful provide the vast majority of the world's food. Just three – maize, wheat and rice – supply nearly half the world's food, while 20 account for about 80 per cent. This has come about partly through historical accident, and partly because these crops proved easy to grow and to adapt to different farming environments around the world. Many are now questioning the wisdom of this narrowing of our food base. In particular, the importance of preserving agro-biodiversity for future generations and their food needs is being recognized. Promoting foods that come from minor crops is a step towards reversing this trend.

unknown outside that region. These crops are sometimes described, from a global perspective, as 'neglected' or 'underutilized', indicating their untapped potential. There are many reasons to promote these neglected crops, for the benefit of the producers, of potential consumers worldwide, and for conservation of biodiversity for the use of future generations.

Small scale farmers

These minor crops are often grown by small-scale farmers in developing countries. The farmers see many advantages over the 'major' crops, for example, these crops often grow on poor land where other crops would fail, and they may be grown without inputs such as fertilizers, which poor farmers may not be able to buy. Many have a high nutritive value – exceptional amounts of vitamins or minerals, for example. They often have other uses as well as food – they may also provide animal feed, building materials or fuel, for example. And importantly, they can be sold to provide income for the farmer or community. If markets for these crops and foods expand, farmers and others involved in producing, processing and trading these foods may be able to lift themselves and their families out of poverty.

Rich agro-biodiversity

These many and diverse crop species, as well as wild plant species which may also be harvested, are part of the rich agro-biodiversity that many developing countries and their farmers have worked to conserve. Promoting the conservation and fair use of this biodiversity is an important activity in efforts to achieve a sustainable world, endorsed in global agreements such as the Convention on Biological Diversity and the Millennium Development Goals. Promoting trade and opening up access to markets are also widely agreed strategies for sustainable economic development.

Multiple potential benefits

Recognizing these multiple potential benefits, many development agencies – including those of EU countries – have been investing in projects to develop these crops and products. These projects typically assist farmers, but also work to strengthen the entire food supply chain, across both public and private sectors. If successful, these projects can have a significant impact on many livelihoods; but the Novel Food Regulation is, in many cases, preventing that success. Producers, processors, traders, exporters and other supply chain actors are, not surprisingly, being discouraged from investing their time and resources when the end market is seemingly out of reach. An important development opportunity is being lost.

Health food stores are proliferating

At the same time, the demand for more healthy, nutritious and sustainably produced foods has been steadily increasing in European and other countries. Health food stores are proliferating, and organically farmed products are gradually increasing their share of the food market. The need for a diverse diet is becoming more widely known. And fair trade is also becoming important to many consumers. Many exotic foods, produced by small-scale producers under ethical production systems and usually without chemical inputs, fill some or all of these consumer requirements.

Clearly in conflict with the aims of the EU

But, because of the Novel Food Regulation, most producers and traders are currently unable to take advantage of this valuable niche market within the EU, and consumers are missing out on a range of nutritious foods. The interpretation of the Novel Food Regulation in relation to exotic foods is clearly in conflict with the expressed aims of EU countries for trade, development, and biodiversity conservation and use. The proposed amendments to the Regulation, described briefly in this paper and in more detail in a discussion paper[1], will bring food safety requirements in line with trade and development objectives, allowing fair access to the EU market for exotic foods that have a history of safe use elsewhere.

[1] The EU Novel Food Regulation, Impact on the potential export of exotic traditional foods to the EU: suggestions for revision. UNCTAD/CBI discussion paper, Neville Craddock, November 2005.

BTFP BioTrade Facilitation Programme
A BIOTRADE Initiative • UNCTAD / ITC

The EU Novel Food Regulation

The Novel Food Regulation (1997) is one of several pieces of EU legislation intended to protect public health by ensuring food is safe to eat before it enters the market. However, despite positive intentions, problems with interpretation and implementation of the Regulation have become evident. Also, more recent regulations have superseded some areas of the Novel Food Regulation. As the European Commission prepares to revise the Regulation, there is an opportunity to improve the requirements for exotic foods, to make them more appropriate, fair and workable.

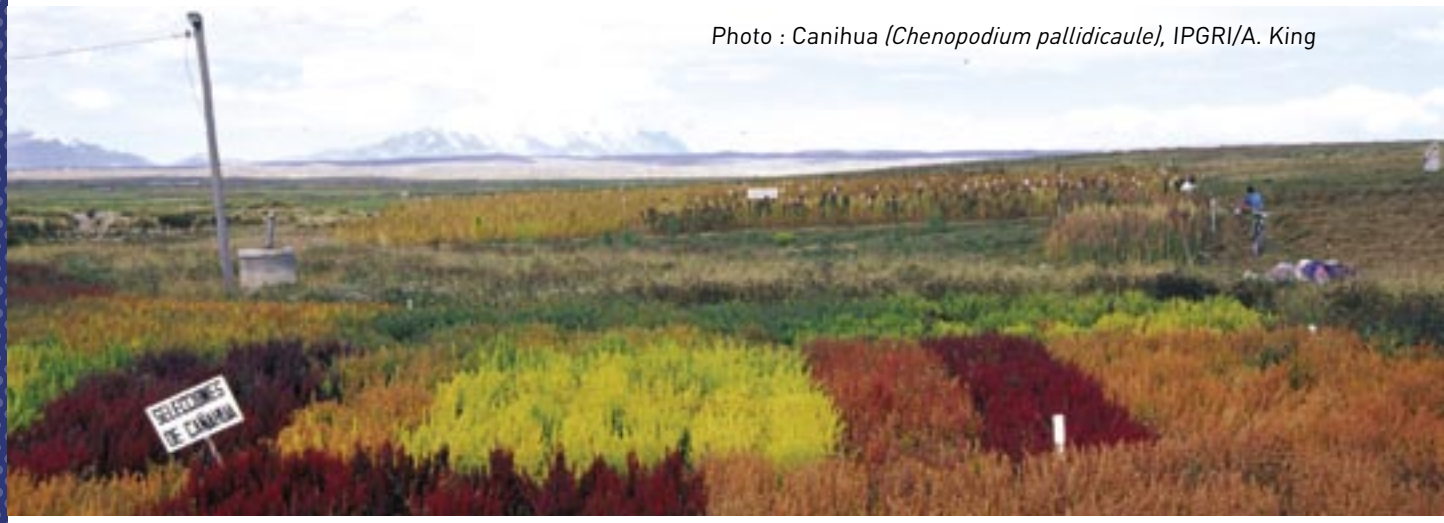

Photo : Canihua (Chenopodium pallidicaule), IPGRI/A. King

The Novel Food Regulation defines novel foods as 'foods and food ingredients that were not used to a significant degree within the Community before 15 May 1997'. Foods containing or produced from genetically modified (GM) organisms were a specific category in the original Regulation, but have since been placed under separate legislation. Foods with a new or modified primary molecular structure are also identified as a category. But exotic foods that are eaten in other parts of the world are not specifically mentioned, and it may be that regulation of these foods was not the intention of the Novel Food Regulation.

Stringent scientific assessments

Their omission has resulted in these foods being subjected to the same stringent scientific assessments as genuinely new foods which may have unknown qualities. These exotic foods often come from developing countries, where they are grown by resource-poor producers and marketed by small traders. The requirements of the Regulation – extensive scientific data proving food safety beyond doubt – are far beyond the means of these people. And in many cases the minor crops involved have been largely neglected by science, so the data do not exist elsewhere.

Decision took three years

In June 2003, just one exotic food – juice from the noni fruit – had been approved for the EU market under the Novel Food Regulation. The decision took more than 3 years, and the scientific assessment included laboratory animal studies for toxicity, genotoxicity and allergenicity. In this case the applicant was a large US-based company which could afford to provide the extensive data. Other applicants have since been permitted to market noni juice on the basis of equivalence of their product with this first product. But two other exotic foods – stevia and nangai nuts – have been refused EU market access. In both cases the applicant

Promoting sustainable 'biotrade'

Several international and regional organizations work to promote 'biotrade' – sustainable biodiversity-based trade – in support of the principles of the Convention on Biological Diversity and trade and development objectives defined at the World Summit on Sustainable Development. The UN Conference on Trade and Development (UNCTAD) hosts the BioTrade Facilitation Programme, with partners including the Netherlands-based Centre for the Promotion of Imports from developing countries (CBI), the Swiss Import Promotion Programme (SIPPO), the German Technical Cooperation (GTZ), the Global Facilitation Unit for Underutilized Species (GFU) and the International Plant and Genetic Resources Institute (IPGRI), and regional and national biotrade groups in Africa, South America and Asia. The BioTrade Initiative supports amendment of the Novel Food Regulation to allow biotrade in safe food products.

was unable to provide the extensive scientific data needed to prove absolutely the safety of the food. The decisions took 3 and 2 years, respectively. It is likely that other potential applicants – in particular small traders and exporters from developing countries – have been deterred by the extensive data requirements and the length of time to reach a decision in these three cases.

Suggested changes

The Novel Food Regulation is creating an obstacle to exotic foods with a history of safe use entering the EU. It is denying consumers healthy, nutritious and diverse foods. It is preventing small-scale farmers and communities in developing countries from using their rich botanical heritage to improve their economic situation. It is in direct conflict with many development projects which aim to promote trade in food and food ingredients for poverty alleviation and sustainable development.

Inappropriate for exotic foods

Many groups and individuals, including UNCTAD, CBI, and their partners, believe that the Novel Food Regulation as it stands is inappropriate for application to exotic foods with a history of safe use outside the EU. They believe that a simplified and more appropriate procedure is needed for this category of foods. These exotic foods need to be separated from other truly novel foods for the purpose of food safety assessment, in one of the following three ways:

Photo : Maca (*Lepidium meyenii*), ADMIX/P. den Hollander

1) Cancel the Novel Food Regulation

Many areas of the Regulation have been superseded by more recent EU legislation for public health. GM foods are now controlled under separate legislation, for example. The role of the Regulation in ensuring food safety is much reduced, and some believe that it may be time to cancel it, after appropriate review and ensuring that all important areas are covered elsewhere. New, appropriate regulations specific to exotic foods could then be put in place.

2) Exempt exotic foods

Alternatively, the Novel Food Regulation could be reworded to clearly exclude exotic foods, which could then be managed under separate, more appropriate regulations.

3) Define exotic foods separately

If neither of the above is achievable, then at the least, exotic foods should be defined as a separate category in the Regulation. This would allow them to be subjected, within the Regulation, to different and more appropriate requirements from the other categories of novel foods.

A new, simple procedure for exotic foods

A new, simple procedure for exotic foods should be introduced with requirements appropriate to foods which are new to EU countries but which have a history of consumption elsewhere. The goal is to allow safe exotic foods access to the EU market, via a procedure that is neither prohibitively expensive nor excessively time consuming. Several non-EU countries have more appropriate regulations for these foods which could provide models for a new EU procedure.

A new Regulation should be precise

Much of the current confusion relating to exotic foods and their status as novel foods is due to imprecise wording or unclear definitions in the Regulation, leaving it open to interpretation. A new Regulation should be precise and unambiguous. Instead of extensive scientific data, evaluation of a food's safety should begin with a description of its use in other parts of the world: how it is prepared and eaten; the period of time over which it has been commonly eaten; an estimate of the number of people who regularly eat it; the geographic area, etc.

A new Regulation should be fair

Evidence of any toxic factors, and processing needed to neutralize these, would also be required. If doubts do arise about the safety of the food, it would then be appropriate to pursue more scientific evaluation. A further requirement of a new Regulation is that it is fair, and upholds the public property status of the food crops and exotic foods produced from them. Rights to market a food, when granted, should apply to the food itself – or even to all foods produced from that food crop species (where there are no valid reasons to doubt their safety) – rather than the applicant.

Expanding knowledge on neglected crops

Even with the above changes to EU regulations, some information will always be required about an exotic food before it is admitted to the EU or another new market. This is prudent and necessary. However, the crops from which these foods are produced have been largely neglected by scientific research, which has concentrated on the main food crops of the world. It is time to redress the balance. These crops and their foods could play a larger role in the diet of the future, contributing a diversity and range of nutrients that are too often missing from today's diet. The biodiversity that these many crops represent are the heritage of future generations. Therefore, all opportunities should be taken, or created, to gather information on these crops. Research and development projects should include this important aspect in their activities, and public sector research should also play a part. A concerted effort to create information dossiers is an important step to recognizing the value of these crops.

Photo : Maca (*Lepidium meyenii*), ADMIX/P. den Hollander

Maca

Maca is a Peruvian root crop grown in the high Andes, often at altitudes where other crops do not survive. Prized by the Incas, it is a common ingredient of the traditional Peruvian pachamanca, a feast of meat and vegetables that are baked together in an underground oven. Maca is known to be very nutritious, containing 10 per cent protein by dry weight, minerals such as iron and calcium, and antioxidants. Tonics and other products from maca are today widely sold in Peru with claimed health benefits such as increasing energy and treating depression. There has been much confusion over whether maca needs to be subjected to the requirements of the Novel Food Regulation. Authorities in The Netherlands seized a consignment in 2003, though they later released it after the Court had decided to have no case, as imports of maca in EU before 1997 could be demonstrated. Subsequently EU authorities gave a statement that maca is not a novel food. Nevertheless Belgian and French authorities refuse maca, because of its alkaloid content. Maca and maca products are now easily available over the internet.

Stevia

Stevia is a herb that originates from Paraguay, where its leaves have been used for centuries as a natural sweetener. It is now cultivated and used in many countries, including Brazil, South Korea, China and Japan. It is many times sweeter than table sugar, and is virtually calorie free, so is a natural alternative to artificial sweeteners. The Laboratory of Plant Physiology at the Catholic University of Leuven in Belgium applied to the EU in November 1997 to have stevia plants and leaves approved for import and commercial trade under the Novel Food Regulation. The application was rejected in September 2000, on the grounds of insufficient evidence of the safety of stevia, in particular a lack of satisfactory data to support the safe use of stevia as ingredient of food or its refined extract as sucrose substitute.

Nangai nuts

These almond-sized nuts from the Pacific islands and parts of East Asia have been eaten for millennia. However they have the potential to cause allergic reactions in some people. This seems to be the reason why they were refused admission to the EU market in 2000, under the Novel Food Regulation. Applying this logic, the sale of all types of nuts would be banned in the EU.

Jackfruit (*Artocarpus heterophillus*) GFU/P. Bordoni

Noni

The noni fruit was so important to its ancient cultivators that it was one of the few plants carried with voyagers from Southeast Asia to the Pacific islands. Today it is widely grown in Polynesia and other parts of the tropical world. Its claimed health-promoting properties have not been scientifically proven, but have much anecdotal support. Products include juice, extracts, jam and dried fruit. A large US-based company, Morinda Inc., was granted the right to sell noni juice on the EU market in June 2003, after it had provided extensive food safety data. This authorization is specific to noni juice – other noni products will have to undergo the same procedure.

Ackee (*Blighia sapida.*) IPGRI/E. Achigan Dako

Organisations supporting this paper

UNCTAD:

The United Conference on Trade and Development works with partners in developing countries to promote trade in biodiversity products and services. These countries' increasing need for hands-on assistance in export promotion has led to the creation of a special trade promotion programme: the BioTrade Facilitation Programme (BTFP).
W: http://www.unctad.org
W: http://www.biotrade.org

The CBI:

The Centre for the Promotion of Imports from developing countries was established in 1971 as an Agency of the Netherlands Ministry of Foreign Affairs. The CBI's mission is to contribute to the economic development of developing countries by strengthening the competitiveness of companies from those countries on the EU market.
W: http://www.cbi.nl

GTZ:

The German Gesellschaft für Technische Zusammenarbeit is an international cooperation enterprise for sustainable development with worldwide operations. Its corporate objective is to improve people's living conditions on a sustainable basis.
W: http://www.gtz.de

GFU:

The Global Facilitation Unit for Underutilized Species was created to increase information and knowledge exchange on underutilized and neglected species and to promote and facilitated their sustainable utilization.
W: http://www.underutilized-species.org

IPGRI:

The International Plant Genetic Resources Institute is an international research institute with a mandate to advance the conservation and use of genetic diversity for the well-being of present and future generations. It is a Centre of the Consultative Group on International Agricultural Research (CGIAR).
W: http://www. ipgri.cgiar.org

More information can be obtained from:

Regulation (EC) no 258/97

http://europa.eu.int/eur-lex/en/consleg/pdf/ 1997/en_ 1997R0258_do_001.pdf

EU discussion paper

Implementation of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients. DG SANCO D4, EC, July 2002.
http://europa.eu.int/comm/food/food/biotechnology/novelfood/discussion_en.pdf

UNCTAD-CBI discussion paper

The EU Novel Food regulation. Impact on the Potential Export of Exotic Traditional Foods to the EU: Suggestions for Revision.
Neville Craddock, November 2005.
http://www.biotrade.org/BTFP/btfp-novelfoods.htm

IPGRI/GTZ/GFU discussion paper

The amendment of the EU Novel Food Regulation: Opportunities for recognizing the special status of exotic traditional foods.
Michael Hermann, June 2004.
http://www.underutilized-species.org/documents/nfr/nfr_discussion_paper_june_ 2004.pdf

GFU/GTZ studies

Underutilized Plant and Animal Species and the EU Novel Food Regulation. An Overview of Potentials and Constraints.
Otto Mück, April 2003.
http://www.underutilized-species.org/documents/nfr/underutilized_species_nfr.doc

Trade Barrier NFR? Underutilized Species under the European Union's Novel Food Regulation.
Otto Mück, October 2003.
http://www.underutilized-species.org/documents/nfr/Trade_barrier_nfr.doc

GTZ/GFU issue paper

The Novel Food Regulation - its impact on trade in biodiversity products from developing countries.
http://www.underutilized-species.org/documents/nfr/gtz_novel_food_fact_sheet.pdf

All documents are also available at www.biotrade.org

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