

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 (Text with EEA relevance)

## CHAPTER VII

### TRANSITIONAL MEASURES AND FINAL PROVISIONS

#### *Article 33*

#### **Amendments to Regulation (EU) No 1169/2011**

Regulation (EU) No 1169/2011 is amended as follows:

- (1) In Article 2(1) the following point is added:
  - (h) the definition of “engineered nanomaterials” as established by point (f) of Article 3(2) of Regulation (EU) 2015/2283 of the European Parliament and of the Council<sup>(1)</sup>.
- (2) Point (t) of Article 2(2) is deleted.

References to the deleted point (t) of Article 2(2) of Regulation (EU) No 1169/2011 shall be construed as references to point (f) of Article 3(2) of this Regulation.
- (3) In Article 18, paragraph 5 is deleted.

#### *Article 34*

#### **Repeal**

Regulation (EC) No 258/97 and Regulation (EC) No 1852/2001 are hereby repealed from 1 January 2018. References to Regulation (EC) No 258/97 shall be construed as references to this Regulation.

#### *Article 35*

#### **Transitional measures**

1 Any request for placing a novel food on the market within the Union submitted to a Member State in accordance with Article 4 of Regulation (EC) No 258/97 and for which the final decision has not been taken before 1 January 2018 shall be treated as an application under this Regulation.

The Commission shall not apply Article 11 of this Regulation, where a risk assessment has already been provided by a Member State on the basis of Regulation (EC) No 258/97 and no other Member State has raised any reasoned objection to that assessment.

2 Foods not falling within the scope of Regulation (EC) No 258/97, which are lawfully placed on the market by 1 January 2018 and which fall within the scope of this Regulation may continue to be placed on the market until a decision is taken in accordance with Articles 10 to 12 or Articles 14 to 19 of this Regulation following an application for authorisation of a novel food or a notification of a traditional food from a third country submitted by the date specified in the implementing rules adopted in accordance with Article 13 or 20 of this Regulation respectively, but no later than 2 January 2020.

3 The Commission may, by means of implementing acts, adopt measures concerning the requirements referred to in Articles 13 and 20 necessary for the application of paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(3).

#### *Article 36*

#### **Entry into force**

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

It shall apply from 1 January 2018, except for the following provisions:

- (a) Article 4(4), Articles 8, 13 and 20, Article 23(8), Article 30 and Article 35(3) shall apply from 31 December 2015;
- (b) Article 4(2) and (3) shall apply from the date of application of the implementing acts referred to in Article 4(4);
- (c) Article 5 shall apply from 31 December 2015. However, implementing acts adopted under Article 5 shall not apply before 1 January 2018;
- (d) Articles 31 and 32 shall apply from 31 December 2015. However, delegated acts adopted under those Articles shall not apply before 1 January 2018.

- (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 (OJ L 327, 11.12.2015, p. 1).