

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)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/206

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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.

Changes to legislation: There are currently no known outstanding effects for the
Commission Implementing Regulation (EU) 2020/206. (See end of Document for details)

- (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

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ANNEX

The Annex to Implementing Regulation (EU) 2017/2470 is amended as follows:

- (1) The following entry is inserted in Table 1 (Authorised novel foods) in alphabetical order:

Authorised novel food	Conditions under which the novel food may be used	Additional specific labelling requirements	Other requirements
'Fruit pulp, pulp juice, concentrated pulp juice from <i>Theobroma cacao</i> L. (Traditional food from a third country)	Not specified	The designation of the novel food on the labelling of the foodstuffs containing it shall be "cocoa (<i>Theobroma cacao</i> L.) pulp", "cocoa (<i>Theobroma cacao</i> L.) pulp juice" or "cocoa (<i>Theobroma cacao</i> L.) concentrated pulp juice" depending on the form used.'	

- (2) The following entry is inserted in Table 2 (Specifications) in alphabetical order:

Authorised Novel Food	Specifications
'Fruit pulp, pulp juice, concentrated pulp juice from <i>Theobroma cacao</i> L. (Traditional food from a third country)	<p>Description/Definition The traditional food is the fruit pulp from the cocoa (<i>Theobroma cacao</i> L) plant, which is the "aqueous, mucilaginous and acidic substance in which the seeds are embedded". Cocoa fruit pulp is obtained by splitting cocoa pods followed by separation from husks and beans; the pulp is then subject to pasteurisation and freezing. Cocoa pulp juice and/or cocoa concentrated pulp juice are produced following processing (enzymatic treatment, pasteurization, filtration, and concentration).</p> <p>Typical compositional data of cocoa fruit pulp, pulp juice, concentrated pulp juice Protein (g/100 g): 0,0 to 2,0 Total fat (g/100 g): 0,0 to 0,2</p>

a Cfu: Colony forming unit.'

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Total sugars (g/100 g): > 11,0
Brix level (° Brix): \geq 14
pH: 3,3 to 4,0
Microbiological criteria
Total Plate Count (aerobic): < 10 000
cfu^a/g
Enterobacteriaceae: \leq 10 cfu/g
Salmonella: Absence in 25 g

a Cfu: Colony forming unit.

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- (1) [OJ L 327, 11.12.2015, p. 1.](#)
- (2) Commission Implementing Regulation (EU) 2017/2468 of 20 December 2017 laying down administrative and scientific requirements concerning traditional foods from third countries in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods ([OJ L 351, 30.12.2017, p. 55](#)).
- (3) Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods ([OJ L 351, 30.12.2017, p. 72](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/206.