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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the traditional food from a third country infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner

(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 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001¹, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list of novel foods may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470² has established a Union list of novel foods.
- (3) The Union list set out in the Annex to Implementing Regulation (EU) 2017/2470 includes infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner as an authorised traditional food from a third country.
- (4) Commission Implementing Regulation (EU) 2020/917³ authorised the placing on the market of infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora*

¹ OJ L 327, 11.12.2015, p. 1.

² 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).

³ Commission Implementing Regulation (EU) 2020/917 of 1 July 2020 authorising the placing on the market of infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner 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 (OJ L 209, 2.7.2020, p. 10).

Pierre ex A. Froehner as a traditional food from a third country for use in herbal infusions.

- (5) On 4 July 2022, the company Luigi Lavazza Spa ('the applicant') submitted an application to the Commission in accordance with Article 10(1) of Regulation (EU) 2015/2283 for a change of the conditions of use of the infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner. The applicant requested to extend its use to flavoured and unflavoured non-alcoholic ready-to-drink beverages and coffee, coffee and chicory extracts, instant coffee, tea, herbal- and fruit-infusions, coffee substitutes, coffee mixes and instant mixes for hot and cold beverages (and their flavoured counterparts) intended for the general population.
- (6) The Commission considers that the requested update of the Union list is not liable to have an effect on human health and that a safety evaluation by the European Food Safety Authority ('the Authority') in accordance with Article 10(3) of Regulation (EU) 2015/2283 is not necessary. The proposed uses of the infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner will result in intakes that are comparable to intakes from the currently authorised uses which were assessed by the Authority and considered by the Authority as safe⁴ and which supported the authorisation of the traditional food from a third country. Therefore, it is appropriate to amend the conditions of use of the infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner to extend its use to flavoured and unflavoured non-alcoholic ready-to-drink beverages and coffee, coffee and chicory extracts, instant coffee, tea, herbal- and fruit-infusions, coffee substitutes, coffee mixes and instant mixes for hot and cold beverages (and their flavoured counterparts).
- (7) The information provided in the application gives sufficient grounds to establish that the changes to the conditions of use of the traditional food from a third country are in accordance with the conditions laid down in Article 12 of Regulation (EU) 2015/2283 and should be approved.
- ~~(7)~~(8) Taking into account this extension of use of the infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner to additional food categories and for the purpose of clarity and understanding of food categories, initially authorised food category 'Herbal infusions' is changed to 'As such' meaning the infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner is authorised for use as such, while 'herbal infusions' are included in the food category 'coffee, coffee and chicory extracts, instant coffee, tea, herbal- and fruit-infusions, coffee substitutes, coffee mixes and instant mixes for hot and cold beverages (and their flavoured counterparts)'.
- ~~(8)~~(9) The Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly.
- ~~(9)~~(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁴ EFSA Supporting publication 2020 :EN-1783. Technical Report on the notification of infusion from coffee leaves (*Coffea Arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner) as a traditional food from a third country pursuant to Article 14 of Regulation (EU) 2015/2283, <https://doi.org/10.2903/sp.efsa.2020.EN-1783>.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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,

For the Commission
The President
Ursula VON DER LEYE