

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

of **XXX**

amending Implementing Regulation (EU) 2017/2470 as regards the specifications of the novel food partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L.

(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 partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L. as an authorised novel food.
- (4) Commission Implementing Regulation (EU) 2021/120³ authorised the placing on the market of partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L. as a novel food to be used in a number of foods.
- (5) On 19 October 2024⁴, the company Ferm-food ApS ('the applicant') submitted an application to the Commission in accordance with Article 10(1) of Regulation (EU) 2015/2283 for a change of the specifications of the novel food partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L. The applicant

¹ OJ L 327, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/reg/2015/2283/oj>.

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, ELI: http://data.europa.eu/eli/reg_impl/2017/2470/oj).

³ Commission Implementing Regulation (EU) 2021/120 of 2 February 2021 authorising the placing on the market of partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L. as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 37, 3.2.2021, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2021/120/oj).

requested to decrease the levels of proteins and lipids, and to increase the levels of total carbohydrates, total fibre, moisture and ash in the final powder.

- (6) The applicant provided justification for its request to modify the specifications of the novel food that concerns change of a number of composition parameters. The applicant indicates that the requested modifications of the specifications entail a wider definition of the characteristics/composition of the novel food and that these modifications would allow for fluctuations in the EU yield, oil mill production and pressing methods. The proposed changes would also allow for the use of *Brassica rapa* L. and *Brassica napus* L. from both winter and spring harvests and therefore that would increase the supply of raw materials and the potential production of partially defatted rapeseed powder for food. In particular, the decrease of the lower level of protein from 33% to 28%, would allow to expand the supply of raw material and the potential for transforming more rapeseed cakes for feed into foods. With regard to the levels of lipids, and considering that the market demands low-fat foods, decreasing the lower level of lipids from 14% to 10% would allow a more suitable rapeseed powder as a food ingredient. Furthermore, increasing the maximum level of moisture from less than 7% to less than 11% would allow for more efficient and well-established technologies with a less energy-demanding drying or stabilisation process to be used, reducing the overall carbon footprint of rapeseed cake refinement for foods. Moreover, as the specified peroxide limit remains unchanged, the risk of oxidation does not increase with the suggested increase in moisture. The applicant also justified its request indicating that the requested decrease of levels of proteins and lipids, and the increase of levels of total carbohydrates, total fibre, moisture and ash in the final powder do not influence the safety of the novel food.
- (7) The Commission considers that the requested update of the Union list concerning the change of the specifications of partially defatted rapeseed powder from *Brassica rapa* L. and *Brassica napus* L. proposed by the applicant, 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 requested changes of levels of proteins, lipids, total carbohydrates, total fibre, moisture and ash do not affect safety of the novel food.
- (8) The information provided in the application gives sufficient grounds to establish that the changes to the specifications of the novel food are in accordance with the conditions of Article 12 of Regulation (EU) 2015/2283 and they should be approved.
- (9) The Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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 LEYEN