



- Press Release -

The International Platform of Insects for Food and Feed

Brussels, 14th of October

'The European insect sector welcomes the CJEU ruling and looks ahead to the novel food authorisations'

[The International Platform of Insects for Food and Feed \(IPIFF\)](#) - the European association representing the stakeholders involved in the production and commercialisation of insects – welcomes the [European Union Court of Justice ruling](#) delivered on the 1st of October 2020. The CJEU clarified that 'food consisting of whole animals such as **'whole insects'** does not fall within the scope of [Regulation \(EC\) No 258/97 on novel food](#)'.

According to the IPIFF Secretary-General Christophe Derrien, **'this ruling is important as it may put an end to the uncertainty that insect producers who commercialised such products before 1 January 2018 have been facing'**.

While the 'new' novel foods legislation - i.e. [Regulation \(EC\) No 2285/2015](#), which entered into force on 1st January 2018 – already clarifies that such products are subject to EU authorisation since January 2018, the [previous legal text](#) did not impose such obligation. This issue is now being clarified by the European Union Court of Justice. Operators who would have commercialised such products, in accordance with EU food safety rules, may continue with their activity until the first novel food authorisations enter into force, as permitted by the new EU novel foods legislation (via the transitional measures foreseen in the text)[1]. However, in certain EU countries, these producers were denied this possibility, due to legal uncertainty on the above point. **This ruling, therefore, now clarifies that these measures were not legally justified under EU law'** complemented Mr Derrien.

'In the past, our assessment had led to the same conclusions. Now, in collaboration with a specialised Law Firm[2], we have developed **an in-depth legal analysis** with the aim to explore more precisely the consequences of this judgment and, notably, how it may benefit to producers who had marketed **whole insects** in certain EU countries before January 2018', added the IPIFF Secretary-General[3].

According to this analysis, 'the consequences of the ruling vary depending on the concrete situation of each operator. To this end, the document identifies different scenarios related to the different situations. It needs to be underlined **that the effects of this judgment go beyond the insect producing companies active in France** - where the legal dispute started – since the CJEU ruling is applicable in all Member States of the European Union', stated Mr Derrien. 'In that context, **IPIFF encourages insect producers** - active in those countries where the possibility to use the 'transitional measure' was denied - **to adopt a concerted approach with their competent authorities**. Notably, these companies should clarify with them whether and how this ruling may apply to their particular situation', concluded the IPIFF Secretary-General.

In conclusion, 'while this judgment is **an important milestone** for the development of the European edible insect sector, **the novel food authorisations remain the most critical step towards providing wide EU market access for edible insect products**', explained Bastien Rabastens, IPIFF Executive Committee Member in charge of food matters. IPIFF hopes that the first EFSA opinions will be adopted and published in the following weeks. 'These opinions should pave the way to the first 'novel food' authorisation(s) expected in mid-2021', concluded the IPIFF Executive Member.

[1] For more details please refer to IPIFF's '[Briefing paper on Novel Food](#)' Chapter 4.8 paragraph: '*EU Member States approaches on the novel status of whole insects and their preparations*';

[2] [Bird&Bird](#) – Law Firm, Brussels office;

[3] A [briefing note](#) on the joint legal analysis can be found on the IPIFF website.

Interested to know what 'insect farming' is about? Check our updated 'Frequently Asked Questions' on the [IPIFF website](#)!

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The International Platform of Insects for Food and Feed (IPIFF) is a non-profit organisation which represents the interests of the insect production sector towards EU policymakers, European stakeholders and citizens. Composed of 66 members, most of which are European insect producing companies, IPIFF promotes the use of insects and insect-derived products as top tier source of nutrients for human consumption and animal feed.