

INFO SHEET

EDIBLE INSECTS IN THE EU: EXPORTS/ IMPORTS, AND INSECTS AS TRADITIONAL FOOD FROM THIRD COUNTRIES

MAY INSECT-BASED PRODUCTS BE LAWFULLY EXPORTED OUTSIDE THE EUROPEAN UNION (EU)?

- ✚ The Novel Food Regulation does not lay down specific export requirements.
 - The rules on export as laid down under Article 12 of [REGULATION \(EC\) NO 178/2002 OF 28 JANUARY 2002](#), the 'EU General Food Law' applies:

GENERAL DISPOSITIONS IN REGULATION 178/2002

- ✚ **Article 12.1** *“Food [...] exported or re-exported from the Community for placing on the market of a third country shall comply with the relevant requirements of food law, unless otherwise requested by the authorities of the importing country or established by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country”.*
- ✚ *“In other circumstances, except in the case where foods are injurious to health [...], food [...] can only be exported or re-exported if the competent authorities of the country of destination have expressly agreed, after having been fully informed of the reasons for which and the circumstances in which the food [...] concerned could not be placed on the market in the Community”.*
- ✚ **Article 12.2** *“Where the provisions of a bilateral agreement concluded between the Community or one of its Member States and a third country are applicable, food and feed exported from the Community or that Member State to that third country shall comply with the said provisions.”*

SPECIFIC DISPOSITIONS ON EXPORTS IN REGULATION 178/2022

- Exports outside the EU can only be envisaged by considering the country of destination, to ascertain whether or not the requirements under the Novel Food Regulation (e.g., authorisation granted in accordance with the procedure laid down in Regulation 2015/2283) must be met for the export activity to be performed.¹
- For products that benefit from the transitional provisions (i.e., lawfully marketed in a country of the EU, pending an EU authorisation under Regulation 2015/2283), a country-by-country assessment is required, given that the scope and extent of the transitional arrangements² vary between the Member States.

WHAT ARE THE CONDITIONS FOR IMPORTS INTO THE EU CONCERNING INSECT FOOD PRODUCTS?

The import of insects as food from third countries into the EU is regulated by a comprehensive set of laws and regulations that notably includes:

- ✚ **Legislation in relation to Novel Foods ([REGULATION \(EU\) 2015/2283 OF 25 NOVEMBER 2015](#))**
 - The legislation in relation to novel foods defines the list of insect products that are authorised to be imported to the EU market as food, based on novel food authorisations granted at the EU level.

¹ See the IPIFF Briefing Paper 'on the provisions relevant to the commercialisation of insect-based products intended for human consumption in the EU- Section 4.8 on Transitional Measure'. (https://ipiff.org/wp-content/uploads/2019/08/ipiff_briefing_update_03.pdf)

² See the IPIFF Info Sheet on the Novel Food Transitional Measure.

✚ **Legislation in relation to the Official Controls Regulation ([REGULATION \(EU\) 2017/625 OF 15 MARCH 2017](#))**

- The legislation on official controls provides national authorities define additional conditions for imports of insect products (e.g. authorised countries, model certificates for imports).

✚ **This legislative framework is particularly relevant in the context of border controls when foods are being imported from a third country.** This legislation defines the specific import conditions for insects as food on safety and a model certificate for import.³

✚ Furthermore, based on the official controls legislation, the European Commission also established [COMMISSION IMPLEMENTING REGULATION \(EU\) 2021/405 OF 24 MARCH 2021](#) containing a list of third countries from which insects can be imported based on the appropriate evidence and guarantees submitted by those third countries that the insects comply with the requirements of EU legislation in food safety.

- According to Annex XV to the Commission Implementing Regulation (EU) 2021/405, business operators from the following countries may export insect food products into the EU:
 - Canada
 - South Korea
 - Switzerland
 - Thailand
 - Vietnam
 - UK (not the case for Northern Ireland)

³ Please consult the dedicated Section on the [IPIFF Guide on Good Hygiene Practices](#) on pages 25 and 26.

GENERAL PROVISIONS COMMISSION IMPLEMENTING REGULATION (EU) 2021/405

- ✚ Food business operators from these countries may import into the whole EU any insect food product that is included in the Union list of novel foods and for which a ‘generic authorisation’ has been previously granted (as of September 2022, no insect food product has received a generic authorisation).
- ✚ These operators may also import insect food products to those EU Member States that apply the EU novel food transitional measure (according to article 35.2 of Reg. 2015/2283) provided that the latter countries authorise the import of such products from third countries, under their national legislation.

THE CASE OF THE UK

- ✚ Since 31 August 2021, the United Kingdom (excluding Northern Ireland) is listed in Annex XV to Commission Implementing Regulation (EU) 2021/405. UK-based operators may therefore import insect food products to the EU under the aforementioned conditions.
- ✚ For UK-based operators wanting to market insect products in the UK, it is important to note that if an authorisation would have intervened before the UK’s full withdrawal from the European Union (i.e., 1 January 2021), it would have been included within the body of UK ‘retained law’, meaning that this authorisation would still have been valid in the UK after 1 January 2021.
- ✚ The Food Standards Agency (FSA) has now made it clear that, if a novel food application was made to the European Commission before 1 January 2021 and the assessment process for the application has not been completed, applicants will need to submit their application to the FSA, using the FSA’s own application service. Since insects and insect-derived products had not yet been authorized by the EU before 1 January 2021, this means that the FSA will require a separate application to authorise insects and insect-based ingredients.

MAY INSECTS QUALIFY AS ‘TRADITIONAL FOOD FROM A THIRD COUNTRY?’

- ✚ The Notification Procedure constitutes an opportunity for the authorisation of insects and insect ingredients produced outside the EU, in third countries/regions in which insects form part of the traditional diets of local populations.

- ✚ However, Regulation (EU) 2015/2283 imposes strict conditions for producers to benefit from the such regime. The concerned products must indeed, as per Article 3 of Regulation (EU) 2015/2283, meet the following cumulative conditions:
 - Be derived from primary production, i.e., the production, rearing, or growing of primary products including harvesting, milking, and farmed animal production prior to slaughter. Primary production also includes hunting and fishing and the harvesting of wild products.

 - Have a history of safe use in a third country, i.e., the safety of the food in question has been confirmed with compositional data and from the experience of continued use for at least 25 years in the customary diet of a significant number of people in at least one-third country.

HOW CAN YOU DETERMINE IF AN INSECT FOOD PRODUCT IS A TRADITIONAL FOOD FROM A THIRD COUNTRY?⁴

Insect producers seeking a novel food authorisation through the Notification Procedure must also demonstrate 25 years of uninterrupted consumption, to be substantiated by both anecdotal and documented evidence. The European Food Safety Authority [Guidelines on Applications and Notifications of Traditional Food](#) indicate:

⁴ FSA Novel food and traditional food applications: overview and procedure:
<https://www.efsa.europa.eu/pt/applications/novel-food-traditional-food>

- ✚ Operators have however freedom to select the forms of materials to substantiate such a claim: scientific publications, scientific expert opinions, monographs, information from national or international organisations, government documentation, figures on cultivation harvesting, and from sales and trade are ‘acceptable references’ to substantiate such consumption.
- ✚ It also indicates that supporting documentation on the experience of the continued food use should provide a description of the extent of use of the traditional food, the population group for which the traditional food has been a part of their diet, and information on its preparation and handling, its role in the diet, information on precautions. Also, further recommends the performance of a comprehensive literature review of human studies related to the consumption of the traditional food in question.

CAN EU INSECT BUSINESS OPERATORS USE THE NOTIFICATION PROCEDURE FOR AUTHORISING THEIR PRODUCTS AS NOVEL FOOD?

- ✚ Insect Food business operators established within the EU may use the Notification Procedure for authorising their products as ‘novel food’ under Regulation (EU) 2015/2283. However, where primary production takes place in the EU, it may be difficult, in practice, for the applicant to demonstrate that the traditional product that it notifies under the Notification Procedure is similar, for example in terms of preparation mode or processing methods used, to a product that is traditionally consumed in a third country.
- ✚ While all types of products are in principle eligible for the Notification Procedure, whole insects (including those subjected to limited/simple processing steps such as dehydration) are more likely to be notified than more significantly processed products. Indeed, it is less likely that a history of safe use may be established for highly processed products derived from insects (incl. insect meal products) given that the commonly known and documented traditional uses of insects generally entail minimal and/or basic processing steps.