

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/267

of 8 February 2023

authorising the placing on the market of dried nuts of *Canarium ovatum* Engl. as a traditional food from a third country and amending Implementing Regulation (EU) 2017/2470

(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 1852/2001 ⁽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 of novel foods may be placed on the market within the Union. On the basis of the definition set out in Article 3(2), point (c), of that Regulation, traditional food from a third country is considered a novel food.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ has established a Union list of novel foods.
- (3) On 28 March 2019, the company DOMENICODELUCIA SPA ('the applicant') submitted a notification to the Commission of their intention to place nuts of *Canarium ovatum* Engl. on the Union market as a traditional food from a third country in accordance with Article 14 of Regulation (EU) 2015/2283. The applicant requested for dried nuts of *Canarium ovatum* Engl. to be consumed as such by the general population.
- (4) The notification complies with the requirements laid down in Article 14 of Regulation (EU) 2015/2283. In particular, the data presented by the applicant demonstrate that dried nuts of *Canarium ovatum* Engl. have a history of safe food use in the Philippines.
- (5) Pursuant to Article 15(1) of Regulation (EU) 2015/2283, on 13 December 2021, the Commission forwarded the valid notification to the Member States and to the European Food Safety Authority ('the Authority').
- (6) No duly reasoned safety objections to the placing on the market within the Union of the food concerned were submitted to the Commission by the Member States or the Authority within the period set in Article 15(2) of Regulation (EU) 2015/2283.

⁽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).

- (7) On 13 May 2022, the Authority published its Technical Report on the notification of nuts of *Canarium ovatum* Engl. as a traditional food from a third country ⁽³⁾. In that report, the Authority concluded that the available data on the composition and the history of the requested use of nuts of *Canarium ovatum* Engl. do not raise safety concerns.
- (8) The Commission should therefore authorise the placing on the market within the Union of dried nuts of *Canarium ovatum* Engl. as a traditional food from a third country and update the Union list of novel foods accordingly.
- (9) In its report, the Authority also noted on the basis of limited published evidence on food allergy related to nuts of *Canarium ovatum* Engl., that allergic reactions may be expected after the consumption of nuts of *Canarium ovatum* Engl. In particular, studies showed an *in vitro* cross-reactivity of nuts of *Canarium ovatum* Engl. to cashew and walnut. It is important that information on the presence of foods that may cause allergic reactions is given in a clear manner to enable consumers to make informed choices which are safe for them. Therefore, it is appropriate that nuts of *Canarium ovatum* Engl. made available to the consumers are appropriately labelled following the requirements of Article 9 of Regulation (EU) 2015/2283.
- (10) Dried nuts of *Canarium ovatum* Engl. should be included as a traditional food from a third country in the Union list of novel foods set out in Implementing Regulation (EU) 2017/2470. The Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1. Dried nuts of *Canarium ovatum* Engl. are authorised to be placed on the market within the Union.

Dried nuts of *Canarium ovatum* Engl. shall be included as a traditional food from a third country in the Union list of novel foods set out in Implementing Regulation (EU) 2017/2470.

2. 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, 8 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ EFSA Supporting publication 2022:EN-7314.

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

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

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
	Specified food category	Maximum levels		
'Dried nuts of <i>Canarium ovatum</i> Engl.	Specified food category	Maximum levels	1. The designation of the novel food on the labelling of the foodstuffs containing it shall be 'nuts of <i>Canarium ovatum</i> ' and/or 'pilinuts' and/or 'pili (<i>Canarium ovatum</i>) nuts'. 2. The labelling of the foodstuffs containing dried nuts of <i>Canarium ovatum</i> Engl. shall bear a statement that the dried nuts of <i>Canarium ovatum</i> Engl. may cause allergic reactions to consumers with known allergies to cashew and walnut. This statement shall appear in close proximity to the list of ingredients or, in the absence of a list of ingredients, in close proximity to the name of the food.'	
	Not specified			

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

Authorised Novel Food	Specifications
'Dried nuts of <i>Canarium ovatum</i> Engl.	<p>Description/Definition: The traditional food consists of the unroasted dried nuts of <i>Canarium ovatum</i> Engl. (family: Burseraceae) commonly known as Pili nuts. Pili nuts are produced only by plants of <i>Canarium ovatum</i> Engl. varieties Laysa, Magnaye, M. Orolfo, Lanuza and Magayon and can be placed on the market with or without the shell. The edible part of the nut is the kernel.</p> <p>Typical composition range: Fat: 57-73 % Protein: 11-15 % Water: 1-5 % Carbohydrates: 8-16,5 % Ash: 2,8-3,4 %</p> <p>Microbiological criteria: Moulds and yeasts: ≤ 100 CFU/g Total colony count at 30 °C: ≤ 10 000 CFU/g Coliforms: ≤ 100 CFU/g <i>Escherichia coli</i>: ≤ 10 CFU/g</p>

	<p><i>Staphylococcus aureus</i>: Absence in 25 g</p> <p><i>Salmonella</i> spp.: Absence in 25 g</p> <p><i>Listeria monocytogenes</i>: Absence in 25 g</p> <p>Sulphite reducing anaerobes: ≤ 10 CFU/g</p> <p>CFU: Colony Forming Units'</p>
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