

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1634**of 4 November 2020****authorising the placing on the market of sugars obtained from cocoa (*Theobroma cacao* L.) pulp 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****(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 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ establishing a Union list of authorised novel foods was adopted.
- (3) Pursuant to Article 12 of Regulation (EU) 2015/2283, the Commission is to decide on the authorisation and on the placing on the Union market of a novel food and on the updating of the Union list.
- (4) Commission Implementing Regulation (EU) 2020/206 ⁽³⁾ authorised the placing on the market of fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. as a traditional food from a third country under Regulation (EU) 2015/2283 and amended the Union list of authorised novel foods.
- (5) On 22 November 2019, the company Cabosse Naturals NV ('the applicant') submitted an application to the Commission in accordance with Article 10(1) of Regulation (EU) 2015/2283 to place sugars obtained from cocoa (*Theobroma cacao* L.) pulp on the Union market as a novel food. The applicant requested for sugars obtained from cocoa (*Theobroma cacao* L.) pulp to be used as an ingredient for the general population.
- (6) The sugars are obtained via a drying process or a purification process which removes the excess moisture and the other components present in the concentrated pulp juice from *Theobroma cacao* L.
- (7) The Commission considers that a safety evaluation of the current application by the European Food Safety Authority in accordance with Article 10(3) of Regulation (EU) 2015/2283 is not necessary. The sugars obtained from the concentrated pulp juice from *Theobroma cacao* L. via drying or purification are identical to the sugars naturally present in the cocoa (*Theobroma cacao* L.) pulp and consist mainly of glucose and fructose that have a long history of safe use in foods, thus their authorisation would not alter the safety considerations that supported the authorisation of concentrated pulp juice from *Theobroma cacao* L. as a traditional food.

⁽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) 2020/206 of 14 February 2020 authorising the placing on the market of fruit pulp, pulp juice, concentrated pulp juice from *Theobroma cacao* L. 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 43, 17.2.2020, p. 66).

- (8) The information provided in the application gives sufficient grounds to establish that the proposed uses and use levels of the novel food sugars obtained from cocoa (*Theobroma cacao* L.) pulp comply with Article 12 of Regulation (EU) 2015/2283.
- (9) 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

1. Sugars obtained from cocoa (*Theobroma cacao* L.) pulp as specified in the Annex to this Regulation shall be included in the Union list of authorised novel foods established by Implementing Regulation (EU) 2017/2470.
2. The entry in the Union list referred to in paragraph 1 shall include the conditions of use and labelling requirements laid down in the Annex.

Article 2

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

Article 3

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, 4 November 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

(1) in Table 1 (Authorised novel foods), the following entry is inserted in alphabetical order:

Authorised novel food	Conditions under which the novel food may be used	Additional specific labelling requirements	Other requirements
'Sugars obtained from cocoa (<i>Theobroma cacao</i> L.) pulp	Not specified	The designation of the novel food on the labelling of the foodstuffs containing it shall be "sugars obtained from cocoa (<i>Theobroma cacao</i> L.) pulp", "Glucose obtained from cocoa (<i>Theobroma cacao</i> L.) pulp" or "Fructose obtained from cocoa (<i>Theobroma cacao</i> L.) pulp", depending on the form used.'	

(2) in Table 2 (Specifications), the following entry is inserted in alphabetical order:

Authorised Novel Food	Specifications
'Sugars obtained from cocoa (<i>Theobroma cacao</i> L.) pulp	<p>Description/Definition: Sugars are obtained from the concentrated cocoa pulp (<i>Theobroma cacao</i> L.) juice either via a drying process or via a purification process to produce high purity glucose or fructose.</p> <p>Sugars produced by a drying process Nutritional composition: Total sugars (g/100g): > 80 Moisture (%): < 5 Microbiological criteria: Total Plate Count (aerobic) (cfu/g): < 10⁴ Moulds and Yeasts (cfu/g): < 50 Enterobacteriaceae (cfu/g): < 10 <i>Salmonella</i> spp.: Absence in 25 g <i>Alicyclobacillus</i>: Absence in 50 g Thermo-acidophilic bacteria: Absence in 50 g</p> <p>Sugars produced by a purification process Nutritional composition of Glucose obtained from cocoa (<i>Theobroma cacao</i> L.) pulp: Glucose content (%): > 93 Ash (%): < 0,2 Moisture (%): < 1,0 Nutritional composition of Fructose obtained from cocoa (<i>Theobroma cacao</i> L.) pulp: Fructose content (%): > 98 Glucose content (%): < 0,5 % Ash (%): < 0,2 Moisture (%): < 0,5 Microbiological criteria for glucose and fructose obtained from cocoa (<i>Theobroma cacao</i> L.) pulp: Total Plate Count (aerobic) (cfu/g): < 10⁴ <i>Salmonella</i> spp.: Absence in 25 g'</p>