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

of **XXX**

### **amending Implementing Regulation (EU) 2017/2470 as regards the specific labelling requirements of the novel food of partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*)**

(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<sup>1</sup>, and in particular Article 12(1) 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) 2017/2470<sup>2</sup> 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 hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) as an authorised novel food.
- (4) Commission Implementing Regulation (EU) 2023/2851<sup>3</sup> authorised the placing on the market of partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) as a novel food for use in a number of foods for the general population.

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

<sup>2</sup> 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](http://data.europa.eu/eli/reg_impl/2017/2470/oj)).

<sup>3</sup> Commission Implementing Regulation (EU) 2023/2851 of 20 December 2023 authorising the placing on the market of partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L, 2023/2851, 21.12.2023, ELI: [http://data.europa.eu/eli/reg\\_impl/2023/2851/oj](http://data.europa.eu/eli/reg_impl/2023/2851/oj))

- (5) On 6 February 2024, the company Evergrain LLC ('the applicant') submitted an application to the Commission in accordance with Article 10(1) of Regulation (EU) 2015/2283 for a change of the specific labelling requirements of the novel food partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*). The applicant requested to change the designation of the novel food to "Hydrolysed protein from barley (*Hordeum vulgare*) and rice (*Oryza sativa*)".
- (6) The Applicant considers that the change of the designation and the specific labelling requirements for partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) is necessary because the word "partially" is not a well-defined term, in particular to the average consumer, who will not know to what extent the protein is hydrolysed, nor the implications within the context of other plant proteins. Food enzymes are used as part of the manufacturing process which results in hydrolysis activities – as such it is clearer to have this reflected in the product description without a qualification of "partially". The word "spent" is not utilised for other protein ingredients which are processed in a similar manner, and the applicants considers that this may create confusion if utilised for this ingredient. To expand further, when barley and rice feedstocks are processed, the first step is to remove the starch which is the same as the process used for any other plant proteins.
- (7) The Commission considers that the requested update of the Union list concerning the change of the specific labelling requirements of the novel food partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) as 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.
- (8) The information provided in the application gives sufficient grounds to establish that the changes to the specific labelling requirements of the novel food are in accordance with the conditions of Article 12 of Regulation (EU) 2015/2283 and 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*