



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/A4/LJ (2023)

Dear Ms Bermúdez,

I would like to thank the Market Advisory Council for its advice on Cell-Based Proteins of Aquatic Animals sent on 20 September 2023. It provides us with useful considerations and cautionary statements in the perspective of the development of this new sector.

First, as you rightly state in your advice, the matter of cell-based food is common to all species, regardless of being meat or seafood. Therefore, we believe it is important to have a holistic approach for all food categories, in cooperation with DG AGRI and DG SANTE.

According to the Novel Food Regulation¹, food consisting of, isolated from or produced from cell culture or tissue culture derived from animals fall within the scope of that Regulation unless the technique used falls within the scope of Regulation (EC) No 1829/2003². As you rightly pointed out in your letter, the cell-based proteins of aquatic products that you are referring to are also covered by the Novel Food Regulation. These products, like any other novel food, are subject to a pre-market authorisation, which includes a thorough safety assessment by the European Food Safety Authority. Although there are some novel foods produced from cell culture or tissue culture derived from plants already authorised under that Regulation, no application has been received for the products that you are referring to as novel food in the EU.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02015R2283-20210327>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003R1829-20210327>

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Regarding the terminology and labelling, we agree on the importance to not mislead consumers. Article 7(b) of the Novel Food Regulation lays down that *the food's intended use does not mislead the consumer, especially when the food is intended to replace another food and there is a significant change in the nutritional value*. Furthermore, the authorisations of novel foods under the “novel foods Regulation” define the conditions in which the novel food may be used, the specifications that the product must follow, as well as any specific labelling requirement in addition to the general requirements established by the Food Information to Consumer Regulation³. These requirements enable consumers to make a well-informed choice and to avoid confusion with traditional products already on the market, such as fishery and aquaculture products.

Considering the above and the absence of cell-based aquatic food authorised on the EU market, we consider that the existing regulatory framework sufficiently regulates the development of these products on the EU market. Currently, the Commission does not plan to launch further work or a study on this matter.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

Charlina VITCHEVA

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³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011R1169-20180101>