

To: Lead Food Officers.
CC: SFELC, REIHIS

28 July 2022

FSS/ENF/21/006 [retraction]

Dear Colleague,

Retraction of FSS/ENF/21/006 on insects intended for human consumption

Following a policy development, Food Standards Scotland (FSS) are retracting a previous letter issued on 23 August 2021 regarding the status of edible insects intended for human consumption.

Background

All insects are considered to be novel unless they are one of a very limited number of species that were commonly consumed within the European Union (EU) or the United Kingdom (UK) prior to 15 May 1997.¹ In 2018, prior to the UK leaving the EU, the EU replaced its existing novel foods legislation with Regulation (EU) 2015/2283 ('2015/2283'). The update captured whole edible insects within the framework for the first time. Thereafter, all insects considered novel would require authorisation before being placed on the EU or UK market.

To provide industry time to move to compliance, transitional measures were included in Article 35(2) of 2015/2283. These allowed certain edible insects to continue to be placed on the market until the European Commission made a decision regarding authorisation, provided the product fulfilled certain requirements.

Following EU Exit, 2015/2283 was retained and is now applicable in GB, including the transitional measures of Article 35(2) that apply to edible insects. This means that, from 1 January 2021, only edible insects authorised by FSS or the Food Standards Agency (FSA) may be placed on the market in Great Britain (GB), unless they are covered by the transitional measures. FSS and the FSA have actively encouraged the edible insects industry to apply for authorisation through the [GB Regulated Products Application Service](#).

Whilst Article 35(2) was retained in UK novel food legislation, it was transferred without being adapted to the market or regulatory context in GB. The policy proposal below is seeking to address this by providing a legislated transitional period in GB, which eligible edible insect businesses can use, and which will facilitate applications for authorisation.

New Policy Proposal

To adapt the transitional measures in retained EU law to a GB context FSS and the FSA have developed a proposal for legislated transitional arrangements for the edible insects within scope of Article 35(2) of 2015/2283 provided that the insects:

¹ This includes two species of insects, the German cheese mite (*Tyrophagus casei*) and the flour mite (*Acarus siro*). These meet the criteria of not being novel foods, both being traditionally used in cheese making.

- were marketed in the EU (by any food business operator) before 1 January 2018;
- were the subject of an application to the EU (by any food business operator) by 1 January 2019; and
- are the subject of an application made to GB authorities (by any food business operator) before 31 December 2023.

The edible insects in scope would be permitted to remain on the market in GB until Ministers decide on the authorisation, or until the authorisation process concludes in some other way (e.g. is withdrawn by the applicant). The legislation would make it clear that food businesses supplying edible insects must pass through the GB authorisation process if they are to remain on the market.

Whilst this policy proposal has been developed jointly by FSS and the FSA, the measures are planned as part of wider amendments being made across GB following EU exit. As a result, the consultation on these proposed measures is being conducted by the FSA. Scottish stakeholders are encouraged to reply to the FSA consultation on these GB-wide changes.

For further information regarding these proposals and to submit your views, please see the FSA consultation [here](#). Responses are due by the **10th of August 2022**.

Yours sincerely

Grainne Gilson-Smith
Senior Enforcement Manager
Enforcement Delivery
Food Standards Scotland
Grainne.gilson-smith@fss.scot