

To: Lead Food Officers.

CC: SFELC, REHIS

23 August 2021

FSS/ENF/21/006

Dear Colleague

Update on the current position on insects intended for human consumption

This is an update on the status of insects following the end of the transitional period set out in regulations.

Background

Under current retained EU regulations (EU 2015/2283), all insects are considered to be novel foods unless they are one of a very limited number of species that have been commonly consumed within the EU prior to 1997. We are only aware of one insect – the German cheese mite – with a history of consumption prior to 1997. Therefore, an authorisation is needed for all other insects.

In order to give businesses time to comply with the requirements of the regulation when it was brought in 2018, transitional measures were put in place under Regulation (EU) 2015/2283 (Article 35). These allowed Food Business Operators (FBOs) who requested authorisation for insects under the Novel Foods Regulations by 1st of January 2019 to continue to place their products on the market while the scientific assessment under novel foods was ongoing. Consequently, there are some insect products currently on the market. These transitional measures ended on the 2nd of January 2020.

Current position in Scotland

Whilst Regulation (EU) 2015/2283 is retained in GB law, the transitional measures for the marketing of insects no longer apply in GB, as the transitional period has expired. Therefore insects (excluding the German cheese mite) are regarded as Novel Foods and require authorisation before being placed on the GB market. Currently, no insect has been authorised by FSS. FBOs currently placing insects on the GB market are not in compliance with Novel Food Regulations (Retained, EU 2015/2283).

Although the EU has recently adopted a regulation allowing dried yellow mealworm (*Tenebrio molitor*) to be placed on the market, this will not apply to the GB market. This is the only insect which has so far received this authorisation. There are 11 other applications for authorisation currently under consideration by EFSA relating to Insects as novel food.

Local Authorities (LAs) will wish to be aware that the FSS is currently reflecting on its policy regarding the marketing of insects in GB. LAs may wish to take this into account when considering any appropriate enforcement approach during the period. FSS will provide another update once a policy approach has been finalised.

In summary, LAs have the legal powers to remove edible insects (excluding the German cheese mite) from sale - as insects are regarded as novel foods, and none have yet been authorised in GB. But as FSS reflects on its approach in this area, a proportionate response is advised.

If you have any questions or require further assistance please contact enforcement@fss.scot .

Yours sincerely

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