



B10-0000/2025

16.01.2025

MOTION FOR A RESOLUTION

pursuant to Rule 115(2) and (3) of the Rules of Procedure

on the draft Commission implementing Decision authorising the placing on the market of UV-treated powder of whole *Tenebrio molitor* larvae (yellow mealworm) as a novel food and amending Implementing Regulation (EU) 2017/2470

(D101970/01 – 2024/3009(RSP))

Committee on the Environment, Public Health and Food Safety

Member responsible: Laurence Trochu

European Parliament resolution on the draft Commission implementing Decision authorising the placing on the market of UV-treated powder of whole *Tenebrio molitor* larvae (yellow mealworm) as a novel food and amending Implementing Regulation (EU) 2017/2470

(D101970/01 – 2024/3009(RSP))

The European Parliament,

having regard to the draft Commission implementing regulation authorising the placing on the market of UV-treated powder of whole *Tenebrio molitor* larvae (yellow mealworm) as a novel food and amending Implementing Regulation (EU) 2017/2470 (D101970/02),

- 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 1852/2001¹, and in particular Article 12(1) thereof,
- having regard to Article 11 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²,
- having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004³,
- having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods⁴,
- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁵,
- having regard to Commission Implementing Regulation (EU) 2017/2470 of 20

¹ OJ L 327, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/reg/2015/2283/2021-03-27>.

² OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>.

³ OJ L 304, 22.11.2011, p. 18, ELI: <http://data.europa.eu/eli/reg/2011/1169/2018-01-01>.

⁴ OJ L 404, 30.12.2006, p. 9, ELI: <http://data.europa.eu/eli/reg/2006/1924/2014-12-13>.

⁵ OJ L 31, 1.2.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/178/2024-07-01>.

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 foods⁶,

- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 28 March 2023, and published on 1 June 2023⁷,
 - having regard to the opinion adopted by EFSA on 24 November 2020, and published on 13 January 2021⁸,
 - having regard to Rule 115(2) and (3) of its Rules of Procedure,
 - having regard to its resolution of 19 October 2023 on the European protein strategy⁹,
 - having regard to its legislative resolution of 12 March 2024 on the proposal for a directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive)¹⁰,
 - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety;
- A. whereas, on 16 March 2019, the company Nutri'Earth ('the applicant') submitted an application to the Commission for an authorisation in accordance with Article 10(1) of Regulation (EU) 2015/2283 to place UV-treated powder of whole *Tenebrio molitor* larvae (yellow mealworm) on the Union market as a novel food; whereas the applicant requested for UV-treated powder obtained from whole *Tenebrio molitor* larvae to be used in bread and rolls, cakes, pasta-based products, processed potato products, cheese and cheese products and fruit and vegetable compotes, intended for the general population;
- B. whereas the applicant also made a request to the Commission for the protection of proprietary scientific studies and data submitted in support of the application, namely, a detailed description of the production process and the detailed results of the composition analyses;
- C. whereas, on 28 March 2023, EFSA adopted its scientific opinion in accordance with Article 11 of Regulation (EU) 2015/2283;

Food safety assessment of the insect

- D. whereas, on the basis of limited published evidence of food allergies linked to the consumption of *Tenebrio molitor* larvae and evidence demonstrating that members of

⁶ OJ L 351, 30.12.2017, p. 72, ELI: http://data.europa.eu/eli/reg_impl/2017/2470/2024-09-25.

⁷ EFSA scientific opinion on safety of UV-treated powder of whole yellow mealworm (*Tenebrio molitor* larva) as a novel food pursuant to Regulation (EU) 2015/2283, EFSA Journal 2023;21(5):8009, <https://doi.org/10.2903/j.efsa.2023.8009>.

⁸ EFSA scientific opinion on safety of dried yellow mealworm (*Tenebrio molitor* larva) as a novel food pursuant to Regulation (EU) 2015/2283, EFSA Journal 2021;19(1):6343, <https://doi.org/10.2903/j.efsa.2021.6343>.

⁹ OJ C, C/2024/2657, 29.4.2024, ELI: <http://data.europa.eu/eli/C/2024/2657/oj>.

¹⁰ Texts adopted, P9_TA(2024)0131.

the phylum *Arthropoda* to which *Tenebrio molitor* belongs, contain a number of potentially allergenic proteins and may cause allergic reactions in subjects with allergies to crustaceans and dust mites, EFSA concluded in its opinion that consumption of the novel food may also trigger sensitisation to *Tenebrio molitor larvae* proteins and EFSA therefore recommended to carry out further research on the allergenicity of *Tenebrio molitor* larvae;

- E. whereas the allergenic potential is a recurrent concern mentioned in several conclusions of EFSA in safety assessments of insects as novel food pursuant to Regulation (EU) 2015/2283; whereas EFSA called with insistence for research to be undertaken on the allergenicity to yellow mealworm, including cross-reactivity to other allergens;
- F. whereas the proposed labelling provisions fail to provide sufficient transparency for consumers regarding the allergenic risks of yellow mealworm, placing additional burdens on individuals with allergies to verify the presence of allergens related to crustaceans or dust mites in foods that would otherwise not be expected to contain such allergens;
- G. whereas increased consumption of insect-based foods in the general population without robust safety data could lead to unforeseen public health challenges, including sensitisation to new allergens; whereas, in its opinion of 5 October 2015, EFSA notes that there are no systematically collected data on human consumption of insects and that further data generation is highly recommended¹¹;
- H. whereas EFSA's recommendation to conduct further research on allergenicity has not been addressed, leaving critical gaps in the safety information required for informed regulatory decisions¹²;

Food safety assessment of the vitamin

- I. whereas the definition of novel food covers not only insects but vitamins as well depending on the production process;
- J. whereas there could be concerns when the daily intake of vitamin D is higher than recommended;
- K. whereas, thanks to an ultraviolet treatment patented by the applicant, it is possible to increase the amount of vitamin D₃ in the novel food;
- L. whereas, on its website¹³, the applicant claims that its vitamin D₃ presents an absorption up to four times higher than other D₃ vitamins on the market; whereas this property is not assessed in the conclusions of EFSA;
- M. whereas there are inconsistencies between the results of analysis provided in the

¹¹ EFSA opinion on risk profile related to production and consumption of insects as food and feed, EFSA Journal 2015;13(10):4257, <https://doi.org/10.2903/j.efsa.2015.4257>.

¹² EFSA scientific opinion on development needs for the allergenicity and protein safety assessment of food and feed products derived from biotechnology, EFSA Journal 2022;20(1):7044, <https://doi.org/10.2903/j.efsa.2022.7044>.

¹³ <https://www.nutrieearth.fr/>

application (rate about 60 µg/100 g) and the results described in the patents¹⁴ that are three fold higher than the ones in the application and the authorisation;

- N. whereas, according to the figures in the patent and the proposed uses and levels, the daily intake could easily reach 7 µg of vitamin D₃ (360 UI) for only 100 g of bread or cakes incorporating 4 g of the novel food; whereas this could lead to higher intake than recommended in particular for infants;
- O. whereas, in its scientific opinion of 28 March 2023, EFSA surprisingly concluded that ‘[d]espite the UV treatment, the Panel notes that the [novel food] is not a significant dietary contributor of vitamin D₃’;

Labelling

- P. whereas, pursuant to Article 16 of Regulation (EC) No 178/2002, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, are not to mislead consumers;
- Q. whereas the term ‘sustainable’ has not been defined in relevant legal acts so far; whereas it is important that traders do not make generic claims such as ‘conscious’, ‘sustainable’, and ‘responsible’, based exclusively on recognised excellent environmental performance, because such terms relate to other characteristics in addition to environmental characteristics, such as social characteristics;
- R. whereas, on its website, the applicant mentions that its products contribute to a ‘sustainable nutrition’, with a ‘natural source’ of vitamin D₃;
- S. whereas those wordings could be misleading for consumers who do not expect vitamin D₃ to be provided through ultraviolet treatment of insects larvae;
- T. whereas Union law has already authorised the following insect products for use in human nutrition: migratory orange, larvae of the mealworm, larvae of *Alphitobius diaperinus* and powdered house cricket larvae – all via implementing acts¹⁵ amending

¹⁴ <https://worldwide.espacenet.com/patent/search/family/078049328/publication/US2024180199A1?q=nutricearth>

¹⁵ – Commission Implementing Regulation (EU) 2021/1975 of 12 November 2021 authorising the placing on the market of frozen, dried and powder forms of *Locusta migratoria* 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 (OJ L 402, 15/11/2021, p. 10, ELI: http://data.europa.eu/eli/reg_impl/2021/1975/oj),

– Commission Implementing Regulation (EU) 2021/882 of 1 June 2021 authorising the placing on the market of dried *Tenebrio molitor* larva 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 (OJ L 194, 02/06/2021, p. 16, ELI: http://data.europa.eu/eli/reg_impl/2021/882/oj),

– Commission Implementing Regulation (EU) 2023/58 of 5 January 2023 authorising the placing on the market of the frozen, paste, dried and powder forms of *Alphitobius diaperinus* larvae (lesser mealworm) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 5, 06/01/2023, p. 10, ELI: http://data.europa.eu/eli/reg_impl/2023/58/oj),

– Commission Implementing Regulation (EU) 2022/188 of 10 February 2022 authorising the placing on the market of frozen, dried and powder forms of *Acheta domestica* as a novel food under Regulation (EU)

Implementing Regulation (EU) 2017/2470;

- U. whereas all those authorisations establish two identical additional labelling requirements, which are that the name of the insect and the form in which the species is used is to be mentioned in the list of ingredients as well as that a standardised formula of allergen warning is to appear near the ingredient list;
- V. whereas that additional information on the content of crustaceans and molluscs and derived products, including allergens, is often presented to consumers in a poorly visible and illegible manner, which *de facto* makes it impossible to make informed purchasing decisions; whereas, thus, consumers are not protected against being misled and are forced to purchase food that is inconsistent with their preferences;
- W. whereas, according to the draft implementing regulation, the designation of the novel food is to be accompanied by the statement ‘contains vitamin D produced by UV-treatment’ and the nutrition declaration is to contain the amount of vitamin D; whereas the requirements in relation to the presence of insects in the food is that the designation of the novel food on the labelling of the foodstuffs containing it shall be ‘UV-treated *Tenebrio molitor* larvae (yellow mealworm) powder’;
1. Considers that the draft Commission implementing regulation exceeds the implementing powers provided for in Regulation (EU) 2015/2283;
 2. Considers that the draft Commission implementing regulation is not consistent with Union law, in that it is not compatible with the aim of Regulation (EU) 2015/2283, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, while ensuring the effective functioning of the internal market;
 3. Recalls that insects, provided they meet high safety standards, could be regarded as a useful circular alternative source of protein, particularly for organic and conventional animal nutrition, contributing to reducing the Union protein deficit and increasing the circularity of agriculture; recognises that undue regulatory burdens hinder the development of circular and sustainable agriculture, such as the ban on using biodegradable waste as feed for insects or for protein fermentation; highlights that interest in this production is growing and, once economies of scale are achieved, production costs will be reduced; is concerned by the high energy requirements of the large-scale breeding of insects and stresses that environmental, health, animal welfare, social and economic effects need to be analysed; to that end urges the Commission to put forward a scientific and technical guidance document that complements the administrative guidance document on the preparation and submission of novel food

2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 30, 11.2.2022, p. 108, ELI:

http://data.europa.eu/eli/reg_impl/2022/188/oj),

- Commission Implementing Regulation (EU) 2023/5 of 3 January 2023 authorising the placing on the market of *Acheta domesticus* (house cricket) partially defatted powder as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 2, 4.1.2023, p. 9, ELI: http://data.europa.eu/eli/reg_impl/2023/5/oj).

applications in order to clarify the authorisation process, while ensuring the highest food safety assurances and standards and proper evaluation of potential risks for human consumption, in line with the precautionary principle;

4. Expresses its concerns about the inconsistencies between the data provided in the patents and the data provided in the application; recalls that a patent describes reproducible results and should be considered as a significant source of data when assessing the application;
5. Considers that EFSA's opinion should have included a specific assessment of the vitamin produced, in particular that the claims made by the applicant on its website about the bioavailability of the vitamin should have been assessed by EFSA to ensure food safety and protect consumers health;
6. Draws attention to the constantly deteriorating readability of labels, especially as a result of the minimisation of the printing fonts used; regrets the fact that many European consumers are deprived of reliable and clear information about the composition of products; strongly believes that enabling consumers to quickly identify foodstuffs containing edible insects and new food technologies at first glance in the store should be a priority;
7. Calls on the Commission to continue its still outstanding work with regards to the requirements stemming from Regulation (EU) No 1169/2011 as well as Regulation (EC) No 1924/2006, such as precautionary allergen labelling and legibility of labelling;
8. Calls on the Commission to urgently propose a revision of Regulation (EU) 2015/2283, with targeted amendments on labelling, taking a forward-looking approach in light of increasing authorisations of insects as food and authorisation requests for new food technologies; calls, therefore, for an urgent revision of that Regulation that takes into account and respects the ethical, economic and societal implications in the assessment of novel foods when it comes to labelling requirements for relevant products, as well as emerging new food technologies, both those already authorised and for future authorisations; suggests that manufacturers be obliged to include not only textual information but also a uniform pictogram with an insect symbol and the inscription: 'contains edible insects'; instructs that this pictogram should cover at least one fifteenth of the minimum surface area of the label and its minimum area is not be less than 1 cm²;
9. Considers that the current additional labelling requirements established in relevant implementing regulations for products containing crustaceans, molluscs and products derived from them are highly insufficient, ineffective and undermining the Union targets set, inter alia, in the New Deal for Consumers, in particular in Directive 2011/83/EU of the European Parliament and of the Council¹⁶;

¹⁶ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64, ELI: <http://data.europa.eu/eli/dir/2011/83/2022-05-28>).

10. Calls on the Commission to withdraw its draft implementing regulation;
11. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

Moved to the footnote with the other implementing acts.