

THE RISE AND FALL OF THE NEW EU NOVEL FOOD REGULATION: THE COMPLEX INFLUENCE OF THE WTO SPS AGREEMENT

*Chris Downes**

ABSTRACT

As EU institutions were forced in 2011 to abandon a proposal for a new Novel Food Regulation (“NNFR”), WTO commitments were cited as a key cause for the inter-institutional failure to find legislative compromises. Two elements of this sanitary measure—the regulation of traditional exotic products from outside the EU and the treatment of food from cloned animals—proved particularly problematic, illustrating the difficulties of reconciling international trade obligations and domestic policy preferences. This article recounts the development of the NNFR, and traces the influence of SPS and other WTO rules in its preparation and ultimate demise. It finds that SPS obligations do have a role in shaping EU food policy, but in a far more subtle and complex way than is commonly assumed.

KEYWORDS: *novel foods, cloned food, SPS Agreement*

* Guest Lecturer, University of Kent. Manager, International Trade and Regulatory Affairs at The European Consulting Company (ECCO), a Brussels-based consultancy specialising in food and trade policy. The author thanks Jean-François Roche of the European Commission for the many helpful discussions on novel foods over the past few years. The interpretation in the article is entirely that of the author. The author also thanks the editorial team for its helpful support.