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New *Corporate Sustainability Reporting Directive*: The EU requires enhanced sustainability reporting obligations for a broader range of companies

On 10 November 2022, the European Parliament adopted the *European Parliament Legislative Resolution of 10 November 2022 on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting*, with which the European Parliament officially adopted the new Directive. On 21 April 2021, the European Commission had published its *Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting* (hereinafter, Corporate Sustainability Reporting Directive, CSRD) and, on 30 June 2022, the European Parliament and the Council of the EU (hereinafter, Council) had reached a provisional political agreement regarding the Directive. The CSRD will considerably expand the scope of the current reporting obligations imposed on SMEs and also on non-EU undertakings with a presence in the EU.

Strengthening the Non-Financial Reporting Directive

The EU requires certain large companies to disclose information on the way they conduct their operations and how they manage social and environmental challenges. *Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups* (*i.e.*, the *Non-Financial Reporting Directive*, hereinafter, NFRD) currently provides the rules on the disclosure of non-financial and diversity information that certain large companies must comply with. The NFRD has the objective "*to enable the investment community, consumers, and other stakeholders to evaluate the non-financial performance of large companies, and to encourage those companies to develop a more responsible approach to business*". The NFRD covers "*large companies*", banks, and insurance companies with more than 500 employees. The covered companies are required to include in their management reports a non-financial statement providing information on the policies that they implement in relation to "*environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters*".

In 2018, the European Parliament called on the European Commission (hereinafter, Commission) to pursue a revision of the NFRD. The European Parliament recognised that the NFRD "*was a major step towards greater business transparency and accountability on social and environmental issues*", but had noted that the NFRD "*suffers from several deficiencies*". More specifically, the European Parliament had argued that a revision was necessary in order to pursue the following changes: 1) The inclusion of proportional and mandatory disclosure, stressing that the reporting requirements be proportionate with the risks incurred by the undertaking; 2) The enlargement of its scope; 3) The development of further environmental, social and governance (ESG) reporting requirements; and 4) The development of compulsory third-party audited reporting. On 11 December 2019, in its Communication on the *European Green Deal*, the Commission announced its intention to review the NFRD "*as part of the strategy to strengthen the foundations for sustainable investment*".

On 25 June 2020, the Commission requested the *European Financial Reporting Advisory Group* (hereinafter, EFRAG), "*a private association established in 2001 with the encouragement of the European Commission to serve the public interest*", to conduct preparatory work "*for the elaboration of possible EU non-financial reporting standards in a revised NFRD*". On 8 March 2021, the EFRAG published two reports setting out recommendations regarding the development of EU sustainability reporting standards and for possible changes to EFRAG's governance and funding, "*if it were to become the EU sustainability reporting standard setter*". The EFRAG's *Proposals for a relevant and dynamic EU sustainability reporting standard-setting* suggest a roadmap for the development of a comprehensive set of EU sustainability reporting standards. The report on the *Potential need for changes to the governance and funding of EFRAG* proposes reforms to the EFRAG's governance structure and funding, notably in order "*to ensure that future EU sustainability reporting standards are developed using an inclusive and rigorous process*".

The EU's new Corporate Sustainability Reporting Directive

On 30 June 2022, the Commission, the Council, and the European Parliament agreed on a common text of the *Corporate Sustainability Reporting Directive* (CSRD). On 10 November 2022, the CSRD was adopted by the European Parliament, and the Council is scheduled to adopt it on 28 November 2022. Over the coming years, the CSRD looks poised to introduce significant changes to the NFRD with the objective of strengthening the current rules and introducing more detailed requirements on companies' environmental, human rights, and social impacts.

The CSRD will apply to all large undertakings in the EU, including EU subsidiaries of non-EU parent companies, on the basis of the following criteria: 1) The company has more than 250 employees; 2) The company has a turnover of more than EUR 40 million; or 3) The company has total assets of more than EUR 20 million. The scope would also extend to small and medium enterprises (SMEs) whose securities are admitted to trading on a regulated market in the EU.

The CSRD provides for a staged entry into application of the new rules. For the financial years starting on or after 1 January 2024, the CSRD will apply to companies that are already subject to the NFRD. With respect to the large companies that are currently not subject to the obligations under the NFRD, the CSRD will apply from the financial years starting on or after 1 January 2025. For SMEs, the obligations under the CSRD will apply for listed SMEs for the financial years starting on or after 1 January 2026. Importantly, the CSRD will also apply to non-EU undertakings with annual EU-generated revenues in excess of EUR 150 million and that have either a large or listed EU subsidiary, or a significant EU branch generating a net turnover of EUR 40 million in the EU. Consequently, the respective subsidiary or branch will be responsible for publishing a sustainability report for the third country undertaking. The subsidiaries or branches of the third countries undertakings will have to prepare their *Corporate Sustainability* reports in accordance with "*the standards applying to EU undertakings, or according to standards which are deemed equivalent according to a Commission's decision*".

Companies within the scope of the CSRD will have to comply with forthcoming *European Sustainability Reporting Standards* (hereinafter, ESRS), which are still being developed by the EFRAG. According to Article 29b.1(a) of the CSRD, the Commission shall adopt the first set of reporting standards by 30 June 2023. The ESRS shall specify the information that companies will have to disclose with regard to all reporting areas and sustainability matters, ensuring alignment with the existing disclosure obligations established under *Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector*. A second set of sustainability reporting standards regarding complementary information that must be reported, and sector-specific standards, is to be adopted by the Commission by 30 June 2024.

The CSRD will require covered companies to report on corporate sustainability in a dedicated section of the company's management report, which must be made publicly available as part of the company's management report. The reporting requirements will be extended beyond the sustainability information currently reported by undertakings under the NFRD and will concern: a) "*a brief description of the undertaking's business model and strategy*", including, *inter alia*, "*the resilience of the undertaking's business model and strategy to risks related to sustainability matters*"; b) "*a description of the time-bound targets related to sustainability matters set by the undertaking*", including, *inter alia*, a description of the progress the undertaking has made towards achieving "*absolute greenhouse gas emission reduction targets at least for 2030 and 2050*"; c) "*a description of the role of the administrative, management*"; d) "*a description of the undertaking's policies in relation to sustainability*"; e) "*the due diligence process implemented by the undertaking*" with regard to sustainability matters in their own operations and with their value chain, including its products and services, and the principal actual or potential adverse effects connected thereto; f) "*a description of the principal risks to the undertaking related to sustainability matters*"; and g) "*indicators relevant to the disclosures referred to in points (a) to (f)*". Additionally, the CSRD states that the covered companies will also be required, as part of their sustainability report, to disclose their sustainability targets and the transition plans to ensure that their business models and strategies are compatible with three elements: 1) The transition to a sustainable economy; 2) The objectives of limiting global warming to 1.5°C, in line with the Paris Agreement; and 3) The achievement of climate neutrality by 2050, in line with the EU's goals in the European Climate Law.

In relation to non-EU undertakings, the CSRD will require the publication of a sustainability report in accordance with specific disclosure standards, which are set to be developed in an Implementing Delegating Act by the Commission. Sustainability reports issued by non-EU undertakings will have to include information on their impact "*regarding social and environmental matters*".

Significant new obligations for businesses

The CSRD's enlarged scope, covering SMEs and non-EU undertakings with a certain footprint in the EU, will significantly expand the number of covered companies and make sustainability reporting the norm for a large part of EU businesses. This change is indicative of the EU's increasing focus related to sustainability, with the next step being the forthcoming Corporate Sustainability Due Diligence Directive currently under discussion. As with other EU legal instruments, the details of the Corporate Sustainability reporting are not yet known, as the *European Sustainability Reporting Standards* (ESRS) are still under development. This is certainly problematic for businesses, as they cannot prepare for the new obligations that will start applying from 2024. A further complicating factor may the fact that the CSRD will have to be transposed into national EU Member States' law and that there may, as is often the case, be slight differences in the respective laws transposing the EU rules. Finally, the EU's new CSRD adds to the global '*spaghetti bowl*' of *Environmental, Social and Governance* (ESG) reporting requirements. A more harmonised approach is desirable and would alleviate the increasing burden on companies.

Given the enlarged scope and the new obligations, businesses should carefully assess whether they will be covered by the CSRD and start the necessary preparations to ensure compliance.

Indonesia's risk-based business licensing in the processed food sector: Important recent changes and current developments

On 10 October 2022, Indonesia's *National Agency of Drug and Food Control* (*i.e.*, *Badan Pengawas Obat dan Makanan*, hereinafter BPOM) published a *Draft BPOM Regulation concerning Processed Food Registration*, which, once enacted, would replace *BPOM Regulation No. 27 of 2017 concerning Registration of Processed Food* and consolidate the rules on '*risk-based*' business licensing regarding the production and importation of processed food into Indonesia. In accordance with the issuance of Indonesia's *Law No. 11 of 2020 concerning Job Creation* on 2 November 2020 (hereinafter, *Job Creation Law*), the Government of Indonesia had introduced the concept of '*risk-based*' business licensing in 16 different sectors, including in the food and beverages sector, whereby lower-risk business activities are subject to fewer regulatory requirements. The rules for the food and beverages sector were then implemented by *Regulation No. 10 of 2021 concerning Standards for Business Activities and Products in the Implementation of Risk-Based Business Licensing in the Medicines and Food Sector* (hereinafter, *BPOM Regulation No. 10/2021*). This article highlights the changes and developments of Indonesia's risk-based business licensing approach for the processed food sector and the applicable legal framework.

The introduction of risk-based business licensing

Business licensing regimes in Indonesia have changed significantly, notably following the issuance of the *Job Creation Law* and of the implementing *Government Regulation No. 5 Year 2021 concerning Organisation of Risk-Based Business Licensing.* In essence, business licences in certain sectors, including food and beverages, agriculture, and environment and forestry, are now issued based on the assessment of the related *'business risk'*, whereby a lower risk corresponds to simpler business licensing requirements. Businesses are required to submit their applications through the dedicated *Online Single Submission system*. The changes statedly aim at improving the investment climate in Indonesia and overcoming bureaucratic difficulties associated with business licensing applications (see *Trade Perspectives*, Issue No. 14 of 16 July 2021). *BPOM Regulation No. 10/2021,* enacted on 1 April 2021, is the sectoral regulation that officially implements the risk-based business licensing approach for medicines, as well as food and beverages, including for processed foods.

The current legal framework for processed food businesses in Indonesia

Indonesia's food and beverage industry is one of Indonesia's priority manufacturing sectors. In 2021, the food and beverage industry contributed approximately 6% to Indonesia's Gross Domestic Product (GDP) and total imports of food and beverages into Indonesia from January to September 2020 had a of USD 8.22 billion. Currently, *BPOM Regulation No. 27/2017* provides the applicable legal framework governing the production and importation of processed food. The licensing aspects, notably the type of business licence required, the registration process, and the necessary administrative documents, were amended by *BPOM Regulation No. 10/2021.* Therefore, in light of their complementary nature, domestic producers and importers must consider both *BPOM Regulation No. 27/2017* and *BPOM Regulation No. 10/2021* to fully appreciate Indonesia's legal regime for processed food.

Prior to the amendments introduced by *BPOM Regulation No. 10/2021,* Article 2 of *BPOM Regulation No. 27/2017* stated that the type of business licence required for the production and importation of processed food in retail packaging was a *Distribution Permit*. To obtain a *Distribution Permit*, businesses were required to register themselves and their products with the BPOM and submit the relevant technical documents depending on the risk associated with

the processed food in question (*i.e.*, high risk, moderate risk, low risk, and very low risk). The risks are determined by the BPOM on a case-by-case basis by considering several factors, as stated in Annex 1 of *BPOM Regulation No. 27/2017*, such as the target consumers of the processed food, the use of food additives, or the use of certain raw materials. Despite the existence of this *'risk'* assessment, all businesses were essentially required to obtain the same type of business licence, a *Distribution Permit*.

Amendments by BPOM Regulation No. 10/2021

In 2021, *BPOM Regulation No. 10/2021* then amended certain elements of *BPOM Regulation No. 27/2017*. Notably, while businesses are still required to register with the BPOM, not all businesses are required to obtain a *Distribution Permit*. Part C of *BPOM Regulation No. 10/2021* provides the list of certificates that are recognised as a valid '*business licence*' necessary to domestically produce or import processed food, namely: 1) A *Certificate of Standard Fulfilment* (*i.e.*, a proof of businesses' commitment providing a guarantee of the safety, quality, and nutrition of processed food); 2) An *Approval Certificate for processed food products subject to compulsory Indonesian National Standard Certificate* (*i.e.*, a proof of compliance with Indonesia's mandatory national food safety and quality standards); and/or 3) A *Distribution Permit*.

Once the BPOM has determined the risk level, the applying company is required to apply for the required business licence corresponding to the respective level of risk and submit the technical documents listed under Part C of *BPOM Regulation No. 10/2021.* This new approach aims at fast-tracking license applications, as, generally, business licences required for lower risk categories in the form of certificates are easier to obtain vis-à-vis a *Distribution Permit*.

The table below provides the categories of risk levels for processed food products, along with the corresponding necessary business licences, in accordance with *BPOM Regulation No. 10/2021*:

Medium-low risk	Medium-high risk	High risk
The type of processed food that falls within this category includes processed food: 1) Without product claim; 2) Without designation (*i.e.,* designated for specific consumers, for instance, for diabetic consumers); and 3) With or without frozen storage that is accompanied by the use of food additives or without food additives. **The type of business licence required is a *Certificate of Standard Fulfilment.***	The type of processed food that falls within this category includes processed foods that must comply with *Indonesia National Standards*. **The type of business licence required is an *Approval Certificate for processed food subject to compulsory Indonesian National Standard Certificate*.**	The type of processed food that falls within this category includes the following processed foods: 1) Alcoholic beverages; 2) Processed food with pasteurisation process; and 3) Food with additives. **The type of business licence required is a *Distribution Permit.***

Part C of *BPOM Regulation No. 10/2021* provides further details on the scope, general requirements, specific requirements, and the risk category associated with each licence. While the risk categorisation for processed food products is still determined by the BPOM on a case-by-case basis, *BPOM Regulation No. 10/2021* provides a list of possible industries and their risk categories. For instance, processed food categorised as '*medium-low*' risk, which needs to be accompanied by a *Certificate of Standard Fulfilment*, may include processed food from the following industries: 1) Crude oil and vegetable fat industry; 2) Fresh milk and cream processing industry; and 3) Margarine industry.

Previously, under the initial rules of *BPOM Regulation 27/2017,* all businesses that intended to produce or import processed food were required to register with the BPOM in order to obtain

a *Distribution Permit* via the BPOM's official website. Following the amendments by *BPOM Regulation No. 10/2021,* the registration process to obtain a business licence must be carried out online through the *BPOM Risk-Based E-Registration* website, a new sectoral online licensing platform created by the BPOM's Directorate of Processed Food Registration, which is integrated with Indonesia's *Online Single Submission system*. Businesses have had to register on the new website their company account since 12 September 2022 and their processed food products since 19 September 2022. This approach is also intended to facilitate the procedures for importers, as registrations can now be easily done online and within a shorter period of time compared to the previous registration system.

Key changes by the Draft BPOM Regulation on risk-based business licensing

Currently, the requirements for processed food, including for its importation, are still scattered under *BPOM Regulation No. 27/2017* and *BPOM Regulation No. 10/2021*, which makes it difficult for businesses to navigate. Most notably, while the *Draft BPOM Regulation* would not fundamentally change the current approach, it would provide all relevant rules for processed food, currently addressed separately under both *BPOM Regulation No. 27/2017* and by *BPOM Regulation No. 10/2021*, in a single and streamlined regulation.

A possibly significant change that would be introduced by the *Draft BPOM Regulation* concerns also the scope of products exempt from the business licence requirement. Under *BPOM Regulation 27/2017*, ten products are not subject to the business licence requirement, such as processed food with less than seven day shelf-life, processed food used as raw materials and not sold directly to end consumers, and fast-food. The *Draft BPOM Regulation* would extend the exemption to food used for a Government programme (*e.g.*, for a social assistance program) and to food for donation purposes.

A more streamlined approach?

The introduction of a risk-based business licensing in the processed food sector introduced by the *Job Creation Law* and the related implementing regulations can be considered a positive development for Indonesia's regulatory framework and should help pursuing food safety, while fostering trade of processed foods and related investments. Once enacted, the envisaged *Draft BPOM Regulation* would serve as an umbrella regulation governing the registration and licensing requirement for processed foods. Relevant stakeholders should closely monitor the development of Indonesia's legal framework for the processed food sector and carefully assess the applicable rules.

The *European Food Safety Authority* (EFSA) concludes that *kenari* nuts from Indonesia do not present a safety concern

On 11 November 2022, the *European Food Safety Authority* (hereinafter, EFSA) published a *Technical Report on the notification of dried nuts of Canarium amboinense Hochr. as a traditional food from a third country pursuant to Article 14 of Regulation (EU) 2015/2283*. On 13 June 2022, the European Commission (hereinafter, Commission) had forwarded a notification under *Regulation (EU) 2015/2283 of 25 November 2015 on novel foods*, (hereinafter, the Novel Foods Regulation, NFR) concerning dried nuts of *Canarium amboinense Hochr.* (known as *kenari* nuts) as a traditional food (hereinafter, TF) to the EFSA, asking whether "*there are duly reasoned safety objections to the placing on the market of the traditional food within the EU*". In its Technical Report, the EFSA concludes that, based on "*the available data on composition and history of use, the TF does not raise safety concerns and does not raise safety objections to the placing on the market of the TF in the EU market*". This article looks at the requirements for the authorisation of a traditional food from a third country to be authorised in the EU and the implications of the EFSA's Technical Report.

The authorisation procedure for 'traditional food from a third country'

In 2015, the rules set out in *Regulation (EC) No 258/97 on novel foods*, the predecessor of the NFR, were updated to simplify the authorisation procedures for novel foods and to introduce a new procedure for traditional foods from third countries. Articles 14 to 20 of the NFR provide for a notification system for '*traditional food from a third country*' on the basis of a history of safe food use. According to Article 3(2)(c) of the NFR, '*traditional food from a third country*' refers to food that has not been used for human consumption to a significant degree within the EU before 15 May 1997 and that derives from primary production (*i.e.*, the production, rearing, or growing of primary products including harvesting, milking, and farmed animal production prior to slaughter, including hunting and fishing and the harvesting of wild products) and with a history of safe food use in a third country. Novel foods, as referred to in Article 3(2)(a) (i), (iii), (vii), (viii), (ix) and (x) of the NFR, referring to: food with a new or intentionally modified molecular structure; food consisting of, isolated from or produced from material of mineral origin; food resulting from a production process not used for food production within the EU before 15 May 1997; food consisting of engineered nanomaterials; certain vitamins, minerals and other substances; and food used exclusively in food supplements, do not fall under the definition of traditional food from third countries.

According to Article 3(2)(b) of the NFR, the "*history of safe food use in a third country*" means that "*the safety of the food in question has been confirmed with compositional data and from experience of continued use for at least 25 years in the customary diet of a significant number of people in, at least, one third country*". Article 14 of the NFR provides that notifications of a traditional food from a third country must state: 1) The name and address of the applicant; 2) The name and description of the traditional food; 3) The detailed composition of the traditional food; 4) The country or countries of origin of the traditional food; 5) Documented data demonstrating the history of safe food use in a third country; and 6) A proposal for the conditions of intended use and for specific labelling requirements, which do not mislead the consumer, or a verifiable justification as to why those elements are not necessary. Additionally, in September 2016, the EFSA issued a '*Guidance on the preparation and presentation of the notification and application for authorisation of traditional foods from third countries in the context of Regulation (EU) 2015/2283*', which provides an in-depth description of the technical and scientific requirements for notifications. Notifications must include the description of the production process, composition, stability data, specifications related to the identity of the novel food, data from the experience of continued use in a third country, and data on the proposed conditions of use of the food to be placed on the EU market.

Importantly, applicants notifying a traditional food from a third country under Article 14 of the NFR are required to provide evidence of food safety mainly on the basis of data related to the history of consumption of the traditional food in a third country, while applicants seeking the authorisation of a newly developed, innovative food or of food produced using new technologies and production processes under Article 10 of the NFR, are required to demonstrate the safety of the novel food on the basis of the submission of extensive safety data and toxicological studies. More specifically, as noted above, applicants notifying a request for an authorisation of a novel food as a traditional food from a third country must demonstrate, *inter alia*, the '*experience of continued use in a third country*' of the traditional food. In that respect, the EFSA Guidance advises to make reference to "*scientific publications, scientific expert opinions, monographs, information from international or national organisations, governmental documentation, figures on cultivation/harvesting, and sales and trade*. *Further information might be obtained from cookbooks, recipes and anecdotal data*". Moreover, the document underlines the importance of "*characterising as much as possible the traditional modalities of use in terms of preparation type, extent of use and duration of the exposure*". Food business operators seeking an EU authorisation for traditional foods from third countries are advised to take into account the EFSA Guidance, as well as the *Commission Implementing Regulation (EU) 2017/2468 laying down administrative and scientific requirements concerning traditional foods from third countries in accordance with Regulation (EU) 2015/2283 on novel foods*, which provides further elements on the structure, content, and presentation of a notification.

According to Article 15(4) of the NFR, where no duly reasoned safety objections have been submitted by the EFSA or the EU Member States, within four months from the date on which a valid notification is forwarded by the Commission to the EFSA and the EU Member States, the Commission is to authorise the placing on the market within the EU of the traditional food concerned and update the EU list of novel foods without delay. Each newly authorised novel food is added to the EU list by means of a Commission implementing regulation. Once a novel food is added to the EU list, it is automatically considered as being authorised and it may be placed on the EU market.

The application for kenari nuts as a traditional food from Indonesia

On 26 March 2020, the Indonesian company *PT Kawanasi Sehat Dasacatur* had submitted a notification to the Commission under the procedure provided in Article 14 of the NFR to place on the EU market dried *kenari* nuts (*i.e.*, *Canarium amboinense Hochr.*) as a traditional food from a third country. According to the Indonesian company, dried *kenari* nuts have been consumed for more than 25 years in Indonesia. The notification had proposed that the product be marketed in the EU "*as such or added as an ingredient in cereal and bakery products, confectionery, snacks and prepared dishes*".

In Indonesia, the term '*kenari nuts'* has two definitions, as it is a translation of the word '*walnuts*' in Bahasa Indonesia language, but also refers to the kernels of ripe *kenari* fruits, scientifically known as *Canarium amboinense Hochr*. To differentiate them from walnuts, *kenari* nuts are also called '*pili nuts*' or '*Kacang Kenari Sulawesi*' in Bahasa Indonesia language. According to data from analysts, in 2021 Indonesia exported *kenari* or *pili* nuts with a total value of USD 13.74 million. There is anecdotical evidence that *Kenari* nuts have health benefits, such as helping the liver to detoxify, benefitting diabetics, and that their omega-3 fat content is beneficial for the heart and brain. *Kenari* nuts are often consumed as a replacement of almonds and are a very popular snack in Sulawesi, Indonesia. In Sulawesi, *kenari* nuts are used for the production of the local snack *halua* (a sweet made of *kenari* nuts and palm sugar) or for sprinkling in various cakes.

The EFSA's Technical Report on kenari nuts

In line with Article 15(2) of the NFR, the EFSA had been asked by the Commission whether there are any duly reasoned safety objections to the placing on the market of the *kenari* nuts within the EU. In its Technical Report, the EFSA noted that "*Kenari trees are native to Indonesia. The fruit is an ovoid drupe 3-6 cm long, generally green when unripe, turning deep dark green to black when ripe. The pulp contains the hard shell, the testa (soft membrane) and the kernel. The edible part is the kernel*". According to the EFSA, the applicant provided results on the analyses on composition, presence of cadmium and lead, and microbiological parameters for five batches of *kenari* nuts. Five batches of nuts were tested for mycotoxins and pesticide residues, all of which were below their limits of detection. The five batches were also tested for peanut allergen, which was reported to be below the limit of detection (2.5 mg/kg). Based on the available literature data on *kenari* nuts, the EFSA noted that allergic reactions may be expected after the consumption of kenari nuts for people sensitised to pollen or other nuts. The EFSA considered that the available data on composition and history of use of *kenari* nuts do not raise any safety concerns. Considering the available data, the EFSA did not raise safety objections to the placing on the market of *kenari* nuts (nuts of *Canarium amboinense Hochr.*) in the EU.

The EFSA noted that the applicant proposed, as conditions of use of *kenari* nuts in the EU, a "*maximum use level (g/100 g)*" and, as the designation on the labelling of products containing them, "*dried kenari nuts*" or "*kenari nuts*". The labelling of the foodstuffs containing dried *kenari* nuts are to bear a statement like "*this ingredient may cause allergic reactions to consumers with known allergies to tree nuts*". Such statement is to appear in close proximity to the list of

ingredients. *Kenari* nuts are expected to have a similar role in the diet as other well-established nuts, such as almonds, pistachios, cashew nuts, walnuts, Brazil nuts, and macadamia nuts.

Conclusion and outlook

When, besides the EFSA, also the EU Member States did not submit any duly reasoned safety objections within the four-months period laid down in Article 15(2) of Regulation (EU) 2015/2283, the Commission did follow the requirement in the NFR to authorise the placing on the market within the EU of *kenari* nuts as traditional food from a third country through an implementing regulation. Food business operators interested in placing traditional foods from third countries on the EU market, as well as third countries planning to support the export of their traditional products to the EU, should carefully assess the relevant legal framework and guidance. Indonesian businesses marketing *kenari* nuts should monitor the relevant developments and now actively explore export opportunities and related requirements.

Recently adopted EU legislation

Trade Law

- *Corrigendum to Commission Delegated Regulation (EU) 2022/2236 of 20 June 2022 amending Annexes I, II, IV and V to Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the technical requirements for vehicles produced in unlimited series, vehicles produced in small series, fully automated vehicles produced in small series and special purpose vehicles, and as regards software update (Official Journal of the European Union L 296 of 16 November 2022)*

Food Law

- *Commission Delegated Regulation (EU) 2022/2292 of 6 September 2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of food-producing animals and certain goods intended for human consumption (Text with EEA relevance)*

- *Commission Implementing Regulation (EU) 2022/2293 of 18 November 2022 amending Implementing Regulation (EU) 2021/405 as regards the list of third countries with an approved control plan on the use of pharmacologically active substances, the maximum residue limits of pharmacologically active substances and pesticides and the maximum levels of contaminants (Text with EEA relevance)*

- *Commission Implementing Decision (EU) 2022/2298 of 23 November 2022 postponing the expiry date of the approval of propiconazole for use in biocidal products of product-type 8 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (Text with EEA relevance)*

- *Corrigendum to Commission Regulation (EU) 2022/1439 of 31 August 2022 amending Regulation (EU) No 283/2013 as regards the information to be submitted for active substances and the specific data requirements for micro-organisms (Official Journal of the European Union L 227 of 1 September 2022)*

- *Corrigendum to Commission Regulation (EU) 2022/1441 of 31 August 2022 amending Regulation (EU) No 546/2011 as regards specific uniform principles for evaluation and authorisation of plant protection products containing micro-organisms (Official Journal of the European Union L 227 of 1 September 2022)*

- *Commission Implementing Regulation (EU) 2022/2305 of 24 November 2022 renewing the approval of the low-risk active substance Fish oil in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (Text with EEA relevance)*

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