Health & Consumer Protection
Directorate-General

EC legislation on food additives

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Second Round Negotiation
EU-CA Association Agreement
SPS Chapter
Brussels, 25-29 February 2008
What is a food additive?

Food additives are substances:
- not normally consumed as food or a characteristic ingredient thereof
- added intentionally to food for a technological purpose
- that become a component of food
Objectives of the acquis in food additives

- ensure the effective functioning of the internal market and
- a high level of human health protection and consumer protection
Article 95 of the Treaty

Article 95 (ex Article 100a)

1. ....... The Council shall, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.
3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.
Art. 251: Co-decision procedure

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Legislation on food additives

- In the form of Directives
  - Implementation and control Member States
- Fully harmonised
  - Positive list
- Legal basis:
  - Article 95 of the Treaty
  - Article 251 of the Treaty
Legislation under codecision procedure

Codecision procedure:

  - definitions, procedures, criteria of authorisation

- Colours 94/36/EC
  - Lists authorised colours and their conditions of use

- Sweeteners 94/35/EC
  - Lists authorised sweeteners and their conditions of use

- Other Food Additives 95/2/EC
  - Lists other authorised additives and their conditions of use

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Legislation under codecision procedure (continued)

- **Framework Directive:**
    - Amended by Directive 94/34/EC

- **Specific Directives:**
    - Amended by Directives 96/83/EC, 2003/115/EC and 2006/52/EC

- Positive list
  - what is not explicitly authorised is banned
- Generic authorisation
  - Additives have to fulfil purity criteria
- Criteria for authorisation
- Implementing powers to Commission
Criteria for authorisation

- No hazard to the health of the consumer
- Technological need
- No misleading of the consumer
- Benefit to the consumer
Directive 94/35/EC on sweeteners

- Sets list of authorised sweeteners
  - polyols
  - intense sweeteners
- Sets conditions of use
Directive 94/36/EC on colours

- Definition of food colour
- Sets list of authorised colours
- Sets conditions of use
- Sets list of food for which additives may only be exceptionally used, i.e. unprocessed foods, butter, honey, mineral water etc.
Directive 95/2/EC on food additives other than colours and sweeteners

- Defines different categories of food additives, i.e. preservatives, antioxidants, carriers, bulking agents, emulsifiers, firming agents etc.
- Sets list of food for which additives may only be exceptionally used, i.e. unprocessed foods, butter, honey, mineral water etc.
- Sets list of authorised food additives
- Sets their conditions of use
Implementing powers

The Commission is entitled

- to set
  - purity criteria for food additives
  - methods of analysis to verify purity criteria
  - procedures for qualitative and quantitative analysis of food additives in foodstuffs

- to decide if a substance is a food additive or a foodstuff belongs to a food category
Legislation under comitology procedure

Comitology procedure:

- Colours 95/45/EC
  Sets purity criteria for colours

- Sweeteners 95/31/EC
  Sets purity criteria for sweeteners

- Other Food Additives 96/77/EC
  Sets purity criteria for other food additives
Legislation under comitology procedure (continued)

**Purity criteria Directives:**

- Commission Directive 95/31/EC on sweeteners
- Commission Directive 95/45/EC on colours
  Amended by Directives 99/75/EC, 2001/50/EC, 2004/47/EC and 2006/33/EC
- Commission Directive 96/77/EC on miscellaneous additives
Risk assessment: European Food Safety Authority

- Provides scientific advice and scientific and technical support for the Community’s legislation and policies in the fields which have a direct or indirect impact on food and feed safety.

- Pool of excellence, transparency and independency.

- Panel on food additives, flavourings, processing aids and materials in contact with food.
Risk management:

Commission proposes, EP and Council decide:

Decision based on safety assessment and the other criteria set in the legislation.
Dietary Intake of Food Additives

- Legal obligation in the specific Directives
  - Member States to monitor food additives consumption
  - Commission to report
- First report published in October 2001
Processing aids

Processing aids are substances that:
- are added to food during processing;
- have no technological function in the final food;
- are not present in the final food or only as a technical non avoidable residue.
Processing aids (continued)

- Definition in framework Directive food additives
- Only harmonised for extraction solvents (Directive 88/344/EEC)
- Co-decision + comitology for up-dating the list of solvents and their conditions of use, methods of analysis and purity criteria
The Member States of the EC and the European Community are members of the Codex Alimentarius.

The European Community and the Member States of the EC present comments on issues discussed on food safety standards (e.g.) GSFA which are within the competence of Community legislation.
Future Legislation

Package on food improvement agents:
- Food additives
- Food enzymes
- Flavourings
- Common procedure for authorisation

Currently under negotiations between the EP and Council (co-decision procedure)
Aim of food additives proposal

- to recast and simplify the food additive legislation by creating a single instrument for principles and approvals;
- to confer the implementing powers to the Commission to update the Community list of approved food additives (introduction of comitology);
- to set up a re-evaluation programme for existing food additives.
Aim of enzymes proposal

- to harmonise the area of food enzymes;
- to set provisions for the establishment of a Community list of permitted food enzymes;
- to provide labelling requirements for food enzymes.
Aim of flavourings proposal

To modernise and adapt the existing legislation on flavourings to technological and scientific developments and to establish clear evaluation and authorisation procedures (EFSA, comitology)
EU legislation on Food additives

More information:
Food and feed safety web site: http://europa.eu.int/comm/food/food/chemicalsafety/additives/index_en.htm

Responsibles:
DG SANCO, Unit E3
Thank you for your attention