

EFLA workshop on EU food Additives Summary

Introduction

This document is a summary of the European Food Law Association's (EFLA) workshop on the Regulation for Food Additives. The workshop was held on November 23, 2010 in Brussels. Mr Wim DeBeuckelaere from DG Sanco was the guest speaker and updated participants on the work that is being carried out on food additives within the EU on the current situation and implications.

Food additives is defined in Community legislation as "any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food whether or not it has nutritive value, the intentional addition of which to food for a technological purpose ... results ... in it or its by-products becoming directly or indirectly a component of such foods." (for full definition see: Article 1(2) of Directive 89/107/EEC).

Within the EU only those additives that are explicitly authorised may be used, which is now regulated under Regulation (EC) No 1333/2008. The EU is currently in the process of consolidating all food additives legislation in one single legal instrument and Regulation (EC) No 1333/2008 replaces previous directives and decisions concerning food additives permitted for use in foods. As part of this process the European Commission (EC) are re-assessing the current EU list of permitted additives along with the help of the European Food Safety Authority (EFSA). This EU list of permitted additives will be adopted as implementing measures and listed under the annexes of the Regulation.

The EU list of permitted additives with conditions of use shall be included under Annex II. Moreover, under Annex III, there will be a list of food additives for use in other additives and in food enzymes, as well as their conditions of use. Before incorporating all food additives in the lists in Annexes II and III of this Regulation, the EC must examine all existing authorisations with regard to criteria such as quantities absorbed, technological need and the potential to mislead the consumer.

The EC are moving forward with the establishment of the list of permitted additives in the EU and EFLA decided to invite Mr Wim DeBeuckelaere from the EC to speak at the EFLA quarterly workshop.

Generally the atmosphere at the workshop was very friendly and we thank Mr DeBeuckelaere for his openness and willingness to address the issues raised by the participants.

Summary of workshop discussions

- The Commission intends to adopt/publish the EU list of permitted additives in March 2011. A number of issues still need to be dealt with, otherwise the development of Annex II is progressing.
- The Commission has communicated that the transfer of the current authorizations under the EU legislation (colors, sweeteners, misc. additives) to the Food Improvement Agent Package (the new Regulations) should have no impact on

“current uses”. Articles 6, 7, 8 require review of compliance and evaluation by the European Food Safety Authority (EFSA).

- The transition periods for the implementing measures may have an impact on authorizations in Member States (i.e. Stevia). Here a solution needs to be found to ensure consistency across the EU.
- Annex II needs to be finalized as its incompleteness is blocking any advancement on new applications.
- The translation of the proposal into the official languages for the standing committee will take ca. (2 months so forwarding to Standing Committee is targeted for January 24, 2011 or February 7, 2011.
- Some technical points are still pending, such as categorization for some products, and an environmental question raised by the European Parliament for sucralose and the legal question of steviol glycosides in France pending the EU authorization.
- Annex III is also progressing. The main legal question here is where to draw the line between additives for additives/enzymes and processing aids, and the relation with the carry over principle. This will involve a lot of discussions and will be controversial.