

Foodstuff: additives facilitating the storage and the use of flavourings

2002/0274(COD) - 22/12/2003 - Final act

PURPOSE : to harmonise the use of food additives in flavourings other than colours and sweeteners.

LEGISLATIVE ACT : Directive 2003/114/EC of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners. **CONTENT** : this Directive aims to amend Directive 95/2/EC on food additives other than colours and sweeteners in order to harmonise the use of food additives in flavourings at EU level in order to reduce unfair competition in this area and better serve the consumer. At the same time, the use of one new food additive as well as new uses of already authorised food additives will be allowed, while a number of other additives will be withdrawn since they are no longer widely used. The use of food additives is harmonised, which means that it is legislated at EU-level rather than national level and only substances that are explicitly authorised may be used. Prior to their authorisation, food additives undergo an extensive safety evaluation by the European Food Safety Authority. In addition to safety, additives are examined in terms of whether or not they are needed and whether or not their use might mislead the consumer. The current legislation is now adapted in the light of recent technical and scientific developments, by allowing the use of one new food additive (hydrogenated poly-1-decene) and new uses of some already authorised food additives as well as by withdrawing a few previously authorised additives. Food additives are also used in flavourings, for example to preserve flavour. The lack of harmonisation at EU level has meant that the use of additives in flavourings varies between the Member States, hindering the free movement of flavourings and foodstuffs containing these flavourings, creating conditions of unfair competition as well as potential differences in consumer protection. More specifically, the present Directive harmonises EU legislation on additives necessary for the storage and use of flavourings. This will ensure the functioning of the internal market, a high level of protection of human health and the protection of consumer interests. Directive 95/2/EC shall be amended: - to include the definition of 'stabilisers' which are substances which make it possible to maintain the physico-chemical state of a foodstuff; stabilisers include substances which enable the maintenance of a homogenous dispersion of two or more immiscible substances in a foodstuff, substances which stabilise, retain or intensify an existing colour of a foodstuff and substances which increase the binding capacity of the food, including the formation of cross-links between proteins enabling the binding of food pieces into re-constituted food; - to clarify that the presence of a food additive is permissible: in a compound foodstuff other than one mentioned in Article 2(3), to the extent to which the food additive is permitted in one of the ingredients of the compound foodstuff; in a foodstuff where a flavouring has been added, to the extent to which the food additive is permitted in the flavouring in compliance with this Directive and has been carried over to the foodstuff via the flavouring, provided the food additive has no technological function in the final foodstuff; or - if the foodstuff is destined to be used solely in the preparation of a compound foodstuff and to an extent such that the compound foodstuff conforms to the provisions of this Directive; - to state that the level of additives in flavourings shall be limited to the minimum necessary to guarantee the safety and quality of flavourings and to facilitate their storage. Furthermore, the presence of additives in flavourings must not mislead consumers or present a hazard to their health. If the presence of an additive in a foodstuff, as a consequence of adding flavourings, has a technological function in the foodstuff, it shall be considered as an additive of the foodstuff and not as an additive of the flavouring. The Directive states that before 1 July 2004, the Commission and the European Food Safety Authority shall review the conditions for the use of additives E 214 to E 219. Before 27 January 2006, the Commission shall submit to the European Parliament and the Council a report on the progress of the re-evaluation of additives. This re-evaluation shall in particular focus on E 432 to E 436 (polysorbates) as well as E 251 and E 252 (nitrates) and E 249 and E 250 (nitrites). Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive in order to: - authorise trade in and use of products conforming with this Directive by 27 July 2005 at the latest, - prohibit trade in and use of products not conforming with this Directive by 27 January

2006 at the latest; however, products placed on the market or labelled before that date which do not comply with this Directive may be marketed until stocks are exhausted. ENTRY INTO FORCE : 29 January 2004.