

Food additives

2006/0145(COD) - 16/12/2008 - Final act

PURPOSE: to regulate food additives.

LEGISLATIVE ACT: Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives.

CONTENT: the Council adopted a Regulation on food additives following agreement reached with the Parliament at second reading. It lays down rules on food additives used in foods with a view to ensuring the effective functioning of the internal market whilst ensuring a high level of protection of human health and a high level of consumer protection, including the protection of consumer interests and fair practices in food trade, taking into account, where appropriate, the protection of the environment.

The approval of food additives should also take into account other factors relevant to the matter under consideration including societal, economic, traditional, ethical and environmental factors, the precautionary principle and the feasibility of controls.

The objectives of this Regulation are:

- to simplify food additive legislation by creating a single instrument for principles, procedures and approvals;
- to confer the implementing powers on the Commission to update the Community list of authorised food additives;
- to consult the European Food Safety Authority (EFSA) for the safety evaluation of food additives;
- to set up a re-evaluation programme for existing food additives;
- to require the authorisation of food additives that consist of, contain or are produced from genetically modified organisms under Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.

The Regulation provides for:

- Community lists of approved food additives as set out in Annexes II and III;
- conditions of use of food additives in foods, including in food additives and in food enzymes as covered by Regulation (EC) No 1332/2008 on food enzymes, and in food flavourings as covered by Regulation (EC) No 1334/2008;
- rules on the labelling of food additives sold as such.

To be included in the Community lists in Annexes II and III a food additive must have advantages and benefits for the consumer and therefore serve one or more of the following purposes: (i) preserving the nutritional quality of the food; (ii) providing necessary ingredients or constituents for foods manufactured for groups of consumers with special dietary needs; (iii) enhancing the keeping quality or stability of a food or improving its organoleptic properties.

There are specific conditions for **sweeteners and colours**.

Food additives shall not be used in foods for **infants and young children** as referred to in Directive 89/398/EEC, including dietary foods for infants and young children for special medical purposes, except where specifically provided for in Annex II to this Regulation.

In accordance with Parliament's wishes, the Regulation stipulates that additional information shall be included on the labelling of foods containing one or more of the following **food colours** - Sunset yellow (E 110); Quinoline yellow (E 104); Carmoisine (E 122); Allura red (E 129); Tartrazine (E 102); Ponceau 4R (E 124). The label should include the name or E number of the colour(s)' and that it "may have an adverse effect on activity and attention in children".

When a food additive already included in the Community list is produced from a different source falling within the scope of Regulation (EC) No 1829/2003, it will not require a new authorisation under this Regulation, as long as the new source is covered by an authorisation in accordance with Regulation (EC) No 1829/2003 and the food additive complies with the specifications established under this Regulation.

Food additives which were permitted before 20 January 2009 shall be subject to a new risk assessment carried out by the EFSA, and an **evaluation programme** for those additives shall be adopted by 20 January 2010.

The text contains provisions which will require labelling of the possible adverse effect on children's behaviour which has been associated with certain food colours.

It should be noted that the Regulation forms part of the package of proposals on 'food improvement agents'. This package of proposals refers to [food flavourings](#), [food enzymes](#) and flavourings. It contributes to the Commission's simplification programme and also provides for harmonisation not only in their respective fields but also promotes consistency between the three related areas. An additional fourth act within the package will establish a [single common authorisation procedure](#) for the evaluation and approval of these substances.

ENTRY INTO FORCE: 20/01/2009.

APPLICATION: from 20/01/ 2010. However, there are transitional arrangements for certain parts of the Regulation.