



Health & Consumer Protection Directorate-General



Olga Solomon
Unit E3

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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)

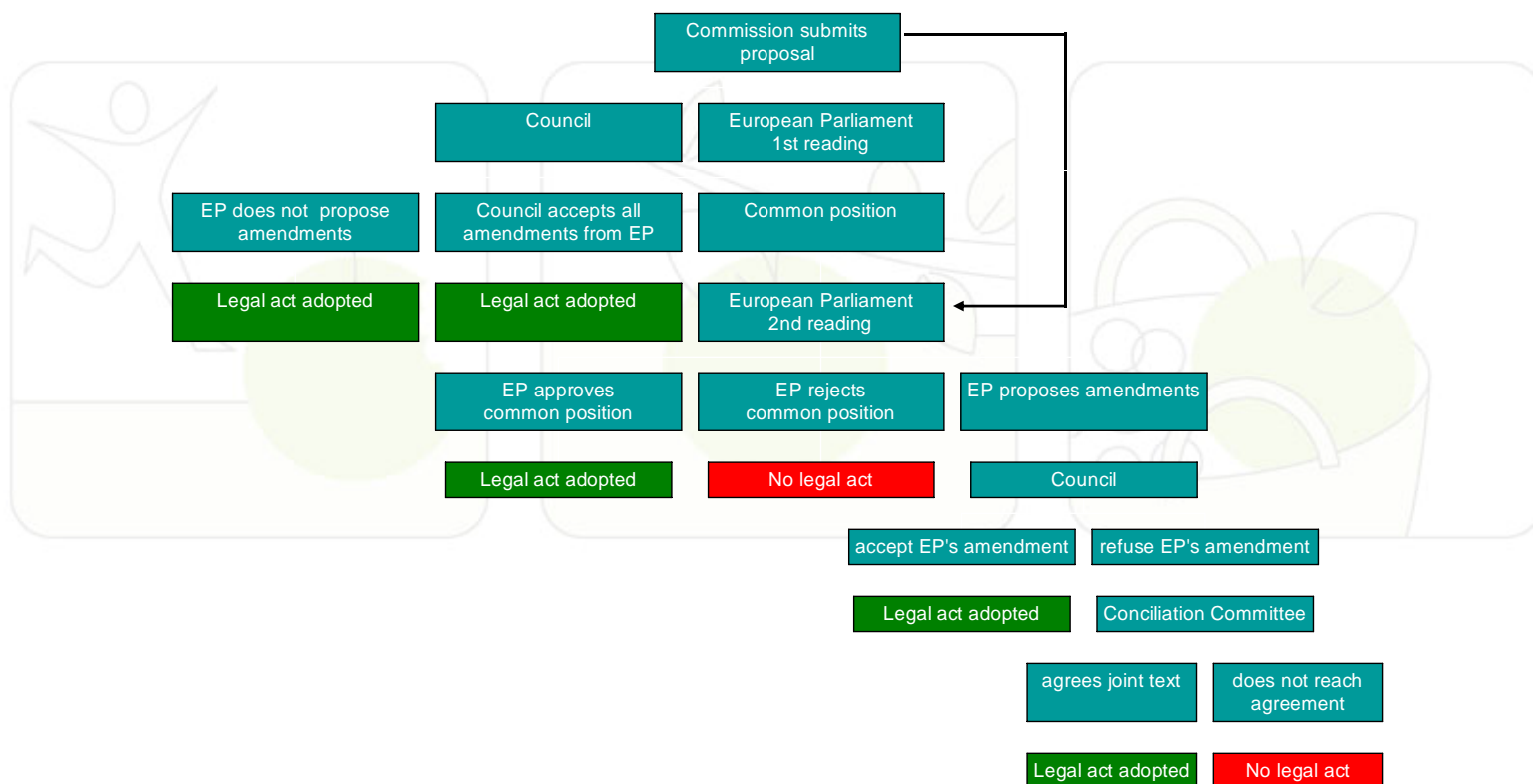
1. The Council shall, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.



Article 95 of the Treaty (continued)

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



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:

Framework Directive
89/107/EEC
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



Legislation under codecision procedure (continued)

■ Framework Directive:

- Council Directive 89/107/EEC
Amended by Directive 94/34/EC

■ Specific Directives:

- **European Parliament and Council Directive 94/36/EC
on colours**
- **European Parliament and Council Directive 94/35/EC
on sweeteners**

Amended by Directives 96/83/EC, 2003/115/EC and
2006/52/EC

- **European Parliament and Council Directive 95/2/EC
on miscellaneous additives**

Amended by Directives 96/85/EC, 98/72/EC,
2001/5/EC, 2003/52/EC, 2003/114/EC and 2006/52/EC

Framework Directive 89/107/EEC

■ 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

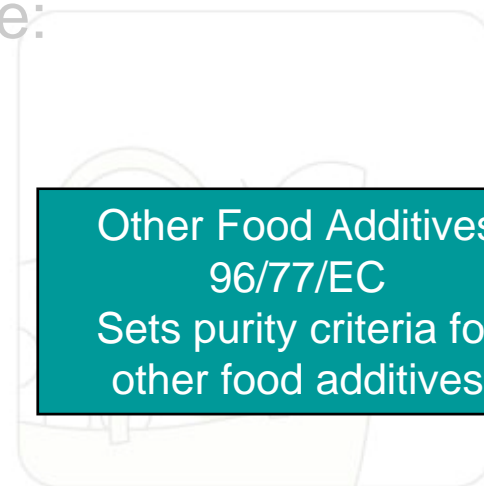
Comitology procedure:



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
Amended by Directives 98/66/EC, 2000/51/EC,
2001/52/EC and 2004/46/EC
- 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
Amended by Directives 98/86/EC, 2000/63/EC,
2001/30/EC, 2002/82/EC, 2003/95/EC and
2004/45/EC, 2006/129/EC



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



CODEX Alimentarius

- 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

