

# Health & Consumer Protection Directorate-General



EU legislation on food  
additives

# 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

# Articles 28 and 30 of the Treaty

## ■ Article 28 (ex Article 30)

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

## ■ Article 30 (ex Article 36)

The provisions of Articles 28 and 29 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property.

# Article 95 of the Treaty

## Article 95 (ex Article 100a)

1. By way of derogation from Article 94 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 14. 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.

# 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 and 2003/115/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 and 2003/114/EC
- Commission Decision 2000/247/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

## ■ Article 5: National 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

## Article 5: National authorisation

- on Member State's territory
- limited to two years
- special indication on foodstuffs in which the additive has been used
- cancellation if no subsequent authorisation at Community level
- no new authorisation for same additive

# 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

# Carry-over and reverse carry-over principles

## ■ Carry over

- Additive authorised in ingredient can be carried over to compound foodstuff

## ■ Reverse carry-over

- Additive authorised in compound foodstuff can be brought into the foodstuff via an ingredient

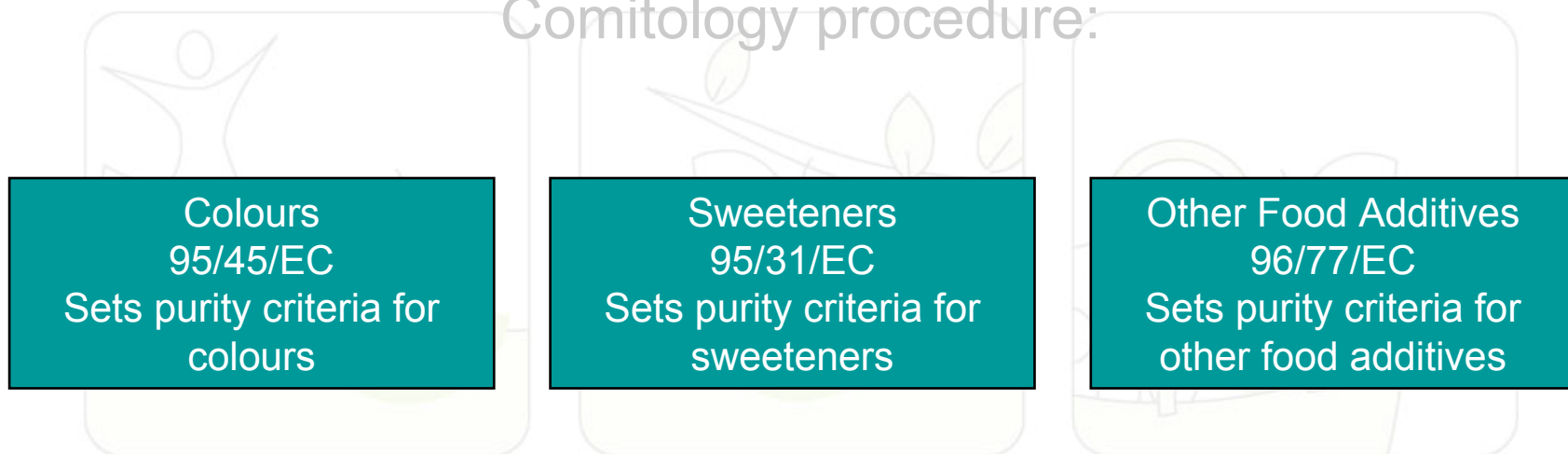
# Implementing powers

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:



Refers to international standards for methods of analysis

# Legislation under comitology procedure (continued)

## ■ Purity criteria Directives:

- Commission Directive 95/31/EC on sweeteners  
Amended by Directives 98/66/EC, 2000/51/EC and 2001/52/EC
- Commission Directive 95/45/EC on colours  
Amended by Directives 99/75/EC, 2001/50/EC
- Commission Directive 96/77/EC on miscellaneous additives  
Amended by Directives 96/86/EC, 2000/63/EC, 2001/30/EC and 2002/82/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  
And  
Member States



# 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

# Future Legislation

Package on food improvement agents:

- Food additives
- Food enzymes
- Flavourings
- Common procedure for authorisation

To be adopted by Commission in April 2006  
+ co-decision

# 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](http://europa.eu.int/comm/food/food/chemicalsafety/additives/index_en.htm)

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