

## CONSULTATION

### **Topic: Proposal for a Directive to amend Directive 95/2/EC and Directive 94/35/EC from the European Parliament and Council**

Start date of consultation: 17<sup>th</sup> of November 2004

Finish date: 4<sup>th</sup> of January 2005

#### **Consultation details.**

Comments are requested on the following.

The European Commission have issued a proposal (COM (2004) 650 final) to amend Directives 95/2/EC and 94/35/EC. Directive 95/2/EC on food additives other than colours and sweeteners sets out a list of authorised food additives, the foodstuffs in which they may be used and their conditions of use. The Directive was adopted in February 1995 and has since been amended five times. This proposal will be the sixth amendment to this Directive. Directive 94/35/EC on sweeteners for use in foodstuffs sets out a list of authorised sweeteners, the foodstuffs in which they may be used and their conditions of use. The Directive was adopted in June 1994 and has been amended twice. This proposal will be the third amendment to this Directive.

These amendments are as a result of recent technical and scientific developments. The intention of the proposal is to ensure the functioning of the internal market, a high level of protection of human health and the protection of consumers' interests.

The key points of the amendment to 95/2/EC are as follows:

- Reduction in the permitted levels of nitrates and nitrites added to food while still maintaining the microbiological safety of food products. This takes into account the opinion of the European Food Safety Authority (EFSA) published in September of 2003 and the aim of the Commission to keep the levels of nitrosamines as low as possible. The levels proposed for nitrates and nitrites in non-heat treated or heat treated meat products, in cheese and in fish are all based on added amounts.
- However, at the request of the UK and Ireland, the existing system of control, based on maximum residual levels of nitrates/nitrites in the food as sold have been maintained for certain traditional UK and Irish meat products such as Wiltshire cured ham, bacon and similar products. Industry have indicated that it would be impossible to produce these specialty foods which use 'live' brine in the curing process by controlling added amounts of nitrite/nitrate as it is impossible to specify in-going amounts. The products do however comply with the current controls on residual amounts of nitrates and nitrites.
- The withdrawal of additives E 216 propyl p-hydroxybenzoate and E 217 sodium propyl p-hydroxybenzoate. This is as a result of the recent EFSA opinion of July 2004, where an acceptable daily intake (ADI) for propyl paraben could not be established due to its effects on sex hormones and the male reproductive organs in juvenile rats.
- The withdrawal of the use of the following gel-forming food additives in jelly mini-cups: E 400 alginic acid, E 401 sodium alginate, E 402 potassium alginate, E 403 ammonium alginate, E 404 calcium alginate, E 406 agar, E 407 carrageenan, E 407a processed eucheama seaweed, E 410 locust bean gum, E 412 guar gum, E 413 tragacanth, E 414 acacia gum, E 415 xanthan gum, E 417 tara gum and E 418 gellan gum. This is due to

the choking risk associated with these mini-cups because of their consistency, shape and form.

- The inclusion of four new additives: erythritol, 4-hexyl resorcinol, soybean hemicellulose (following positive evaluations by the Scientific Committee on Food) and ethyl cellulose (following a positive evaluation by the European Food Safety Authority).
- Authorisation for extending the use of permitted food additives, i.e. sodium hydrogen carbonate in sour milk cheese, sorbates and benzoates in crustaceans, silicon dioxide as a carrier and the authorisation of certain food additives in traditional Hungarian products.

The key points of the amendment to 94/35/EC are as follows:

- Authorisation of a new food additive erythritol in table top sweeteners and in energy reduced foods and foods with no added sugar. Permitted polyols share technological properties that have justified authorisations under Directive 94/35/EC, such as sweetness, reduced caloric value and non-cariogenicity. Erythritol shares all of these technical properties. In addition, it is non-caloric (0 to 0.2Kcal/g, other polyols 2.4Kcal/g) and it has the highest digestive tolerance of all polyols. Due to the latter, it is proposed to exempt erythritol from the labeling rule regarding labeling of laxative effect in table-top sweeteners containing polyols.

The proposed amendments have been discussed at the European Commissions Working Group on food additives. The adoption of this proposal is subject to the co-decision procedure of the European Council and the European Parliament. The Dutch Presidency of the Council (1/7/04-31/12/04) hopes to hold a discussion on this proposal at a meeting in December, provided that the Commission has formally presented the proposal.

Comments on this proposal are welcomed and will be used to inform the negotiating position of the Irish delegates in the Council.

All comments and views should be sent via email to: [consultation@fsai.ie](mailto:consultation@fsai.ie) by the 4<sup>th</sup> of January 2005.

**Or post to:**

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