



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 March 2014
(OR. en)**

7748/14

**DENLEG 67
AGRI 219**

COVER NOTE

From:	European Commission
date of receipt:	13 March 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

No. Cion doc.:	D031939/03
Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the food categories of meat and the use of certain food additives in meat preparations

Delegations will find attached document D031939/03.

Encl.: D031939/03



Brussels, **XXX**
SANCO/12032/2013 Rev. 5
(POOL/E3/2013/12032/12032R5-
EN.doc) D031939/03
[...](2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the food categories of meat and the use of certain food additives in meat preparations

(Text with EEA relevance)

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the food categories of meat and the use of certain food additives in meat preparations

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives¹, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be amended in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council², either on the initiative of the Commission or following an application.
- (3) The Union list of food additives was established based on food additives permitted for use in foods in accordance with European Parliament and Council Directive 94/35/EC³, European Parliament and Council Directive 94/36/EC⁴ and European Parliament and Council Directive 95/2/EC⁵ and after reviewing their compliance with Articles 6, 7 and 8 of Regulation (EC) No 1333/2008. The Union list includes the food additives on the basis of the categories of food to which they may be added to.
- (4) In Part D of the Union list, category 8 covers meat and includes subcategories 8.1: Unprocessed meat and 8.2: Processed meat. Category 8.1 is further subdivided into categories 8.1.1: Unprocessed meat other than meat preparations as defined by

¹ OJ L 354, 31.12.2008, p. 16.

² Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

³ European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs (OJ L 237, 10.9.1994, p. 3).

⁴ European Parliament and Council Directive 94/36/EC of 30 June 1994 on colours for use in foodstuffs (OJ L 237, 10.9.1994, p. 13).

⁵ European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners (OJ L 61, 18.3.1995, p. 1.)

Regulation (EC) No 853/2004 and 8.1.2: Meat preparations as defined by Regulation (EC) No 853/2004.

- (5) Point 1.15. of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council⁶ defines meat preparations as fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat. Meanwhile, it has been clarified that meat preparations can be either processed or unprocessed⁷. However, after processing if the characteristics of fresh meat are completely eliminated, it should no longer be considered a meat preparation, but should fall within the definition of 'meat products' as set out in point 7.1. of Annex I to Regulation (EC) No 853/2004. In the interest of legal clarity it is appropriate to use for the purposes of category 8 the terms "fresh meat", "meat preparations" and "meat products" as defined in Regulation (EC) No 853/2004. Therefore, the subcategories under category 8 in Part D of the Union list, should be amended accordingly.
- (6) The use of food additives belonging to Group I as defined in Part C of the Union list is generally authorised in processed meat, whereas the authorisation of the use of food additives belonging to that group in unprocessed meat is restricted and only allowed on a case by case basis.
- (7) When the Union list as set out in Annex II to Regulation (EC) No 1333/2008 was established, meat preparations as defined by Regulation (EC) 853/2004 were considered as unprocessed meat in which only a restricted number of additives were authorised. However, different interpretation of the definition of meat preparations has led to the situation where the use of certain additives in particular categories of meat differ between the Member States.
- (8) The Commission has received requests to include some of those uses in the Union list of authorised food additives. These requests have been made available to all Member States. It is appropriate to include those uses in the Union list, where they comply with the general conditions of use of food additives laid down in Regulation (EC) No 1333/2008 and taking into account the need to maintain certain traditional products on the market in some Member States.
- (9) At the request of some Member States and/or the meat industry, certain uses of Curcumin (E 100), Carmines (E 120), Caramels (E 150a-d), Paprika extract (E 160c) and Beetroot red (E 162) that were traditionally used in certain Member States for the colouring of merguez type products and other traditional products: *salsicha fresca*, *mici*, *butifarra fresca*, *longaniza fresca*, *chorizo fresco*, *bifteki*, *soutzoukaki*, *kebab*, *cevapcici* and *pljeskavice* have been considered and it is appropriate to authorise these uses.

⁶ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

⁷ Health and Consumers Directorate-General's Guidance document on the implementation of certain provisions of Regulation (EC) No 853/2004 on the hygiene of food of animal origin http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm

- (10) At the request of some Member States the use of Acetic acid and acetates (E 260 – 263), Lactic acid and lactates (E 270, E 325- 327), Ascorbic acid and ascorbates (E 300 – 302), Citric acid and citrates (E 330 – 333), as acidity regulators, preservatives and/or anti-oxidants to prevent oxidation and/or rancidity and to increase microbiological stability have been considered and it is appropriate to authorise these uses in all meat preparations to which other ingredients than additives or salt have been added.
- (11) At the request of some Member States, the use of Phosphoric acid - phosphates - di - tri- and polyphosphates (E 338 – 452) as humectant to prevent the loss of meat juices during further processing, in particular when the brine has been injected, has been considered and it is appropriate to authorise this use. However, in order to limit further exposure to added phosphates in food, the extension of the use of those phosphates should be limited to *Kasseler, Bräte, Surfleisch, toorvorst, šašlōkk, ahjupraad* and *burger meat* with a minimum vegetable and/or cereal content of 4 % mixed within the meat and Finnish gray salted Christmas ham.
- (12) At the request of some Member States and/or the meat industry, the use of Nitrites (E 249 – 250) as a preservative in certain traditional products: *lomo de cerdo adobado, pincho moruno, careta de cerdo adobada, costilla de cerdo adobada, Kasseler, Bräte, Surfleisch, toorvorst, šašlōkk, ahjupraad, kielbasa surowa biala, kielbasa surowa metka* and *tatar wołowy (danie tatarskie)* has been considered and it is appropriate to authorise this use.
- (13) At the request of some Member States and/or the meat industry, the use of Alginates (E 401- 404), Carrageenan (E 407), Processed eucheama seaweed (E 407a), Locust bean gum (E 410), Guar gum (E 412), Tragacanth (E 413), Xanthan gum (E 415), Acetylated distarch phosphate (E 1414) and Hydroxy propyl distarch phosphate (E 1442) as humectants or stabilizers to diminish leakage of water in the packaging and to prevent the loss of meat juices during further processing have been considered. Those uses should be authorised in meat preparations to which ingredients have been injected and in meat preparations composed of meat parts that have been handled differently: minced, sliced or processed and that are combined together, e.g. roulades containing minced meat. Food additives used in meat preparations to prevent the loss of meat juices during further processing do not mislead consumer.
- (14) At the request of some Member States and/or the meat industry, the use of Sodium carbonates (E 500) as humectant in poultry meat preparations, *mici, bifteki, soutzoukaki, kebab, seftalia, cevapcici* and *pljeskavice* in order to maintain consistency and juiciness during further preparation has been considered and it is appropriate to authorise this use. Furthermore, this use in poultry meat preparations allows to cook poultry meat longer and more effectively, maintaining its juiciness and avoiding the consumption of undercooked poultry.
- (15) At the request of a Member State and/or the meat industry, the use of Acetylated distarch phosphate (E 1414) and Hydroxy propyl distarch phosphate (E 1442) to diminish leakage of water in preparations in which ingredients have been injected, in meat preparations composed of meat parts that have been handled differently: minced, sliced or processed and that are combined together, e.g. roulades containing minced meat and in order to maintain juiciness during the preparation of *gyros, souvlaki,*

bifteki, soutzoukaki, kebab and *seftalia* have been considered and it is appropriate to authorise these uses.

- (16) As regards the traditional products, the requested uses of the food additives should comply with the general conditions of use set out in article 6 of Regulation (EC) n°1333/2008 and in particular should not mislead the consumers in the Member States or in the regions where these products are traditionally consumed.
- (17) In order to ensure uniform application of the use of additives covered by the present regulation, the traditional meat preparations are described in the guidance document describing the food categories in Part E of Annex II to Regulation (EC) N° 1333/2008 on food additives⁸.
- (18) The principle of carry-over set out in Article 18(1)(a) of Regulation (EC) No 1333/2008 should be permitted in meat preparations as defined by Regulation (EC) 853/2004.
- (19) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission has to seek the opinion of the European Food Safety Authority ('the Authority') in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Acetic acid and acetates (E 260 – 263), Lactic acid and lactates (E 270, E 325- 327), Ascorbic acid and ascorbates (E 300 – 302), Citric acid and citrates (E 330 – 333), Alginates (E 401- 404), Carrageenan (E 407), Processed eucheama seaweed (E 407a), Locust bean gum (E 410), Guar gum (E 412), Tragacanth (E 413), Xanthan gum (E 415), Sodium carbonates (E 500), Acetylated distarch phosphate (E 1414) and Hydroxy propyl distarch phosphate (E 1442) belong to the group of additives for which no acceptable daily intake has been specified. That implies that they do not pose a risk to health at the levels necessary to achieve the desired technological effect. Therefore the extended use of those additives constitutes an update of the Union list which is not liable to have an effect on human health. The use of Curcumin (E 100), Carmines (E 120), Caramels (E 150a-d), Paprika extract (E 160c), Beetroot red (E 162), Nitrites (E 249-250), Phosphoric acid - phosphates - di - tri- and polyphosphates (E 338 – 452), will only be extended to certain products that have been traditionally used, hence the extended use of these additives constitutes an update of the Union list which is not liable to have an effect on human health. Therefore, it is not necessary to seek the opinion of the Authority.
- (20) Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁸ http://ec.europa.eu/food/food/FAEF/additives/guidance_en.htm

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO