



Council of the
European Union

Brussels, 11 February 2015
(OR. en)

6176/15
ADD 1

DENLEG 30
AGRI 59
SAN 46

COVER NOTE

From:	European Commission
date of receipt:	11 February 2015
To:	General Secretariat of the Council
No. Cion doc.:	D036822/04 - Annexes 1 to 2
Subject:	ANNEXES to the COMMISSION REGULATION (EU) No .../.. amending and correcting Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives

Delegations will find attached document D036822/04 - Annexes 1 to 2.

Encl.: D036822/04 - Annexes 1 to 2



Brussels, **XXX**
SANCO/11214/2014 ANNEX
(POOL/E3/2014/11214/11214-EN
ANNEX.doc) D036822/04
[...](2014) **XXX** draft

ANNEXES 1 to 2

ANNEXES

to the

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

amending and correcting Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives

ANNEX I

Annex II to Regulation (EC) No 1333/2008 is amended as follows:

I. Part A is amended as follows:

(1) In Section 1, the first indent is replaced by the following:

- '– the name of the food additive and its E-number; alternative more specific E-numbers and names listed in Regulation (EU) No 231/2012 may be used, excluding synonyms, if the named food additives have indeed been added to a certain food.'

(2) In Section 2, point 1 is replaced by the following:

- '1. Only the substances listed in Part B, as specified by Regulation (EU) No 231/2012, may be used as additives in foods, unless more specifically provided for in Part E.'
- (3) In Section 2, point 5 is replaced by the following:
 - '5. The colours E 123, E 127, E 160b, E 161g, E 173 and E 180 and mixture thereof may not be sold directly to the consumer.'

II. In Part C, Section 1 - Group I, the entry for E 425⁽¹⁾⁽²⁾⁽³⁾ is replaced by the following:

E 425	Konjac (i) Konjac gum (ii) Konjac glucomannane	10 g/kg, individually or in combination ⁽¹⁾⁽²⁾⁽³⁾
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III. Part E is amended as follows:

(1) In category 01.7.2 - “Ripened cheese”, the entry for E 235 is amended as follows:

(a) the entry for E 235 is replaced by the following:

E 235	Natamycin	1 mg/dm ² surface (not present at a depth of 5 mm)	only for the external treatment of uncut hard, semi-hard and semi-soft cheese
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(b) footnote 8 is deleted.

(2) In category 01.7.3 - “Edible cheese rind”, footnote 67 is replaced by the following:

‘(67): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carmines and E 180 litholrubine BK 10 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.’

(3) In category 01.7.5 - “Processed cheese”, footnote 66 is replaced by the following:

‘(66): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 1,5 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.’

(4) In category 01.7.6 - “Cheese products (excluding products falling in category 16)”, the entry for E 235 is replaced by the following:

E 235	Natamycin	1 mg/dm ² surface (not present at a depth of 5 mm)	only for the external treatment of uncut hard, semi-hard and semi-soft products
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		present at a depth of 5 mm)	
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(5) Category 02.1 - “Fats and oils essentially free from water (excluding anhydrous milkfat)” is amended as follows:

(a) the entry for E 270 is replaced by the following:

E 270	Lactic acid	<i>quantum satis</i>	only for cooking and/or frying purposes or for the preparation of gravy, except virgin oils and olive oils
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(b) the entry for E 300 is replaced by the following:

E 300	Ascorbic acid	<i>quantum satis</i>	only for cooking and/or frying purposes or for the preparation of gravy, except virgin oils and olive oils
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(c) the entry for E472c is replaced by the following:

E 472c	Citric acid esters of mono- and diglycerides of fatty acids	<i>quantum satis</i>	only for cooking and/or frying purposes or for the preparation of gravy, except virgin oils and olive oils'
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(6) In category 04.2.3 - “Canned or bottled fruit and vegetables”, the first entry for E 220 – 228 is replaced by the following:

E 220 - 228	Sulphur dioxide - sulphites	50	(3)	only white vegetables, including pulses and processed mushrooms
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(7) In category 04.2.5.2 - “Jams, jellies and marmalades and sweetened chestnut purée as defined by Directive 2001/113/EC”, footnote 66 is replaced by the following:

‘(66): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 1,5 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.’

(8) In category 05.2 - “Other confectionery including breath refreshing microsweets”, the fifth entry for E 961 is replaced by the following:

E 961	Neotame	3		only starch based confectionery energy reduced or with no added sugar, as flavour enhancer
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(9) Category 05.4 - “Decorations, coatings and fillings, except fruit based fillings covered by category 4.2.4” is amended as follows:

(a) the second entry for E 961 is replaced by the following:

E 961	Neotame	3		only starch based confectionery energy reduced or with no added sugar, as flavour enhancer
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(b) the following new entry E 952 is inserted after the entry for E 951:

E 952	Cyclamic acid and its Na and Ca salts	250	(51)	only flavoured cream spray cans energy-reduced or with no added sugar
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(10) Category 06.4.4 - "Potato Gnocchi" is amended as follows:

(a) the entry for Group I is replaced by the following:

Group I	Additives			except fresh refrigerated potato gnocchi
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(b) the following new entries are added after the entry for E 200-203:

E 270	Lactic acid	<i>Quantum satis</i>		only fresh refrigerated potato gnocchi
E 304	Fatty acid esters of ascorbic acid	<i>Quantum satis</i>		only fresh refrigerated potato gnocchi
E 330	Citric acid	<i>Quantum satis</i>		only fresh refrigerated potato gnocchi
E 334	Tartaric acid	<i>Quantum satis</i>		only fresh refrigerated potato gnocchi
E 471	Mono- and di-glycerides of fatty acids	<i>Quantum satis</i>		only fresh refrigerated potato gnocchi

(11) Category 07.2 - "Fine bakery wares" is amended as follows:

(a) the entry for E 220 - 228 is replaced by the following:

E 220 - 228	Sulphur dioxide - sulphites	50	(3)	only dry biscuits
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(b) the following footnote 3 is inserted after footnote 2:

'(3): Maximum levels are expressed as SO₂ and relate to the total quantity, available from all sources, an SO₂ content of not more than 10 mg/kg or 10 mg/l is not considered to be present.'

(12) Category 8.2 - "Meat preparations as defined by Regulation (EC) No 853/2004" is amended as follows:

(a) the entries for E 249- 250 and E 261 are replaced by the following:

E 249 - 250	Nitrites	150	(7)	only <i>lomo de cerdo adobado</i> , <i>pincho moruno</i> , <i>careta de cerdo adobada</i> , <i>costilla de cerdo adobada</i> , <i>Kasseler</i> , <i>Bräte</i> , <i>Surfleisch</i> , <i>toorvorst</i> , <i>šášlôkk</i> , <i>ahjupraad</i> , <i>kielbasa surowa biala</i> , <i>kielbasa surowa metka</i> , and <i>tatar wolowy (dame tatarskie)</i>
E 261	Potassium acetates	<i>quantum satis</i>		only prepacked preparations of fresh minced meat and meat preparations to which other ingredients than additives or salt have been added

(b) footnote 7 is replaced by the following:

'(7): Maximum amount that may be added during the manufacturing, expressed as NaNO₂ or NaNO₃'

(c) footnote 7' is deleted

(d) footnote 66 is replaced by the following:

'(66): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 1,5 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.'

(13) Category 08.3.1 - "Non-heat-treated meat products" is amended as follows:

(a) the following entries for E 315 and E 316 are deleted:

E 315	Erythorbic acid	500	only cured meat products and preserved meat products
E 316	Sodium erythorbate	500	only cured meat products and preserved meat products

(b) footnote 7 is replaced by the following:

'(7): Maximum amount that may be added during the manufacturing, expressed as NaNO₂ or NaNO₃'

(c) footnote 66 is replaced by the following:

'(66): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 1,5 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.'

(14) Category 08.3.2 - "Heat-treated meat products" is amended as follows:

(a) the following new entry E 310 -320 is inserted after the entry for E 316:

E 310 -320	Gallates, TBHQ and BHA	200	(1) (13)	only dehydrated meat
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(b) footnote 7 is replaced by the following:

'(7): Maximum amount that may be added during the manufacturing, expressed as NaNO₂ or NaNO₃'

(c) the following footnote 13 is inserted after footnote 9:

'(13): Maximum limit expressed on fat'

(d) footnote 66 is replaced by the following:

'(66): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 1,5 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.'

(15) In category 08.3.3 - 'Casings and coatings and decorations for meat', is amended as follows:

(a) the entry for E 339 is replaced by the following:

E 339	Sodium phosphates	12600	(4) (89)	only in natural casings for sausages
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(b) footnote 78 is replaced by the following:

'(78): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 10 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008 that limit shall apply from 1 February 2013.'

(c) footnote 80 is replaced by the following:

'(89): Carry-over in the final product shall not exceed 250 mg/kg'

(16) Category 08.3.4.1 - "Traditional immersion cured products (Meat products cured by immersion in a curing solution containing nitrites and/or nitrates, salt and other components)" is amended as follows:

(a) footnote 7 is replaced by the following:

'(7): Maximum added amount, expressed as NaNO₂ or NaNO₃'

(b) footnote 39 is replaced by the following:

'(39): Maximum residual amount, residue level at the end of the production process, expressed as NaNO₂ or NaNO₃'

(17) Category 08.3.4.2 - "Traditional dry cured products. (Dry curing process involves dry application of curing mixture containing nitrites and/or nitrates, salt and other components to the surface of the meat followed by a period of stabilisation/maturation)", is amended as follows:

(a) the third entry for E 249 – 250“” is replaced by the following:

E 249 - 250	Nitrites	100	(39)	only presunto, presunto da pa and paio do lombo and similar products: Dry cured for 10 to 15 days followed by a 30 to 45 day stabilisation period and a maturation period of at least 2 months; jamon curado, paleta curada, lomo embuchado y cecina and similar products: Dry curing with a stabilisation period of at least 10 days and a maturation period of more than 45 days
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(b) footnote 39 is replaced by the following:

'(39): Maximum residual amount, residue level at the end of the production process, expressed as NaNO₂ or NaNO₃'

(18) Category 08.3.4.3 - "Other traditionally cured products. (Immersion and dry cured processes used in combination or where nitrite and/or nitrate is included in a compound product or where the curing solution is injected into the product prior to cooking)" is amended as follows:

(a) footnote 7 is replaced by the following:

'(7): Maximum added amount, expressed as NaNO₂ or NaNO₃'

(b) footnote 39 is replaced by the following:

'(39): Maximum residual amount, residue level at the end of the production process, expressed as NaNO_2 or NaNO_3 '

(19) Categories 09.1.2: "Unprocessed molluscs and crustaceans", is amended as follows:

(a) the entries for E 220 – 228 and E 586 are replaced by the following:

E 220 - 228	Sulphur dioxide - sulphites	150	(3) (10)	only fresh, frozen and deep-frozen crustaceans and cephalopods; crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family up to 80 units per kg
E 220 - 228	Sulphur dioxide - sulphites	200	(3) (10)	only crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family between 80 and 120 units per kg
E 220 - 228	Sulphur dioxide - sulphites	300	(3) (10)	only crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family over 120 units per kg
E 586	4-Hexylresorcinol	2	(90)	Only fresh, frozen or deep-frozen crustaceans

(b) footnote 42 is replaced by the following :

'(90): As a residue in the meat'

(20) Category 09.2: "Processed fish and fishery products including molluscs and crustaceans" is amended as follows:

(a) the third entry for E 171 is replaced by the following:

E 171	Titanium dioxide	<i>quantum satis</i>		Only smoked fish
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(b) the second entry for E 172 is replaced by the following:

E 172	Iron oxides and hydroxides	<i>quantum satis</i>		Only smoked fish
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(c) the third entry for E 200 – 213 is replaced by the following:

E 200 - 213	Sorbic acid - sorbates; Benzoic acid - benzoates	6000	(1) (2)	only cooked <i>Crangon crangon</i> and <i>Crangon vulgaris</i>
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(d) the second entry for E 220 – 228 is replaced by the following:

E 220 - 228	Sulphur dioxide - sulphites	135	(3) (10)	only cooked crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family up to 80 units per kg
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(e) the third entry for E 220 – 228 is replaced by the following:

E 220 – 228	Sulphur dioxide – sulphites	180	(3) (10)	only cooked crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family between 80 and 120 units per kg
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(f) the fifth entry for E 220 – 228 is replaced by the following:

E 220 - 228	Sulphur dioxide - sulphites	270	(3) (10)	only cooked crustaceans of the Penaeidae, Solenoceridae and Aristaeidae family over 120 units per kg
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(21) In category 09.3 - “Fish roe”, footnote 68 is replaced by the following:

‘(68): Maximum limit for aluminium coming from aluminium lakes of E 123 amaranth 10 mg/kg. No other aluminium lakes may be used. For the purposes of Article 22 (1) (g) of Regulation (EC) No 1333/2008, that limit shall apply from 1 February 2013.’

(22) Food category 10.2 - “Processed eggs and egg products” is amended as follows:

- (a) the first entry for E 1505 is deleted;
- (b) the second entry for E 1505 is replaced by the following:

E 1505	Triethyl citrate	<i>quantum satis</i>		only dried egg white
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(23) Food category 14.2.7.1 - “Aromatised wines” is amended as follows:

(a) the following entries concerning Group II, Group III and the food additives E 104, E 110, E 124 and E 160d are deleted:

Group II	Colours at quantum satis				except <i>americano, bitter vino</i>
Group III	Colours with combined maximum limit	200			except <i>americano, bitter vino</i>
E 104	Quinoline Yellow	50	(61)		except <i>americano, bitter vino</i>
E 110	Sunset Yellow FCF/Orange Yellow S	50	(61)		except <i>americano, bitter vino</i>
E 124	Ponceau 4R, Cochineal Red A	50	(61)		except <i>americano, bitter vino</i>
E 160d	Lycopene	10			

(b) the following entry for E163 is inserted after E 160d:

E 163	Anthocyanins		<i>quantum satis</i>		only <i>americano</i>
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(24) Food category 14.2.7.2 - “Aromatised wine-based drinks” is amended as follows:

- (a) the entries for Groups II and III and for E 160d are deleted;
- (b) the entries for E 104 are replaced by the following““”:

E 104	Quinoline Yellow	50	(61)	only <i>bitter soda</i>
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- (c) the entries for E 110 are replaced by the following:

E 110	Sunset Yellow FCF/Orange Yellow S	50	(61)	only <i>bitter soda</i>
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- (d) the entries for E 124 are replaced by the following:

E 124	Ponceau 4R, Cochineal Red A	50	(61)	only <i>bitter soda</i>
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- (e) the entry for E 150a-d is replaced by the following:

E 150a-d	Caramels	<i>quantum satis</i>		except <i>sangria, clarea, zurra</i>
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(25) Category 17.1 - “Food supplements supplied in a solid form including capsules and tablets and similar forms, excluding chewable forms” is amended as follows:

(a) the entry for E 900 is replaced by the following:

E 900	Dimethyl polysiloxane	10	(91)	only food supplements in effervescent tablet form
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(b) footnote 79 is replaced by the following:

(91): Maximum level applies to the dissolved food supplement ready for consumption when diluted with 200 ml of water'

ANNEX II

Annex III to Regulation (EC) No 1333/2008 is amended as follows:

- (1) In Part 4 “Food additives including carriers in food flavourings”, the entry for E 423 “Octenyl succinic acid modified gum arabic” is replaced by the following:

E 423	Octenyl succinic acid modified gum arabic	Flavouring-oil emulsions used in categories 03: edible ices; 07.2: Fine bakery wares; 08.2: Meat products, only processed poultry; 09.2: Processed fish and fishery products including molluscs and crustaceans and in category 16: Desserts excluding products covered in categories 1, 3 and 4.	500 mg/kg in the final food
		Flavouring-oil emulsions used in category 14.1.4: Flavoured drinks, only flavoured drinks not containing fruit juices and in carbonated flavoured drinks containing fruit juices and in category 14.2: Alcoholic beverages, including alcohol-free and low-alcohol counterparts.	220 mg/kg in the final food
		Flavouring-oil emulsions used in categories 05.1 Cocoa and Chocolate products as covered by Directive 2000/36/EC, 05.2: Other confectionery including breath refreshing microsweets, 05.4: Decorations, coatings and fillings, except fruit based fillings covered by category 4.2.4 and in category 06.3: Breakfast cereals.	300 mg/kg in the final food
		Flavouring-oil emulsions used in category 01.7.5: Processed cheese.	120 mg/kg in the final food
		Flavouring-oil emulsions used in category 05.3: Chewing gum.	60 mg/kg in the final food
		Flavouring-oil emulsions used in categories 01.8: Dairy analogues, including beverage whiteners; 04.2.5: Jam, jellies and marmalades and similar products; 04.2.5.4: Nut butters and nut spreads; 08.3: Meat products; 12.5: Soups and broths, 14.1.5.2: Other, only instant coffee and tea and in cereal based ready-to-eat-dishes.	240 mg/kg in the final food
		Flavouring-oil emulsions used in category 10.2: Processed eggs and egg products.	140 mg/kg in the final food
		Flavouring-oil emulsions used in categories 14.1.4: Flavoured drinks, only non carbonated flavoured drinks containing fruit juices; 14.1.2: Fruit juices as defined by Directive 2001/112/EC and vegetable juices, only vegetable juices and in category 12.6: Sauces, only gravies and sweet sauces.	400 mg/kg in the final food
		Flavouring-oil emulsions used in category 15: Ready-to-eat savouries and snacks.	440 mg/kg in the final food

- (2) In Part 6, Table 7 “Alginic acid — alginates”, a new entry E 404 “” is inserted after the entry for E 403:

E 404	Calcium alginate
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