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Subject:	ANNEX to the COMMISSION REGULATION (EU) .../... amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards octyl gallate (E 311) and dodecyl gallate (E 312)

Delegations will find attached document D055962/02 - ANNEX.

Encl.: D055962/02 - ANNEX



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ANNEX

ANNEX

to the

COMMISSION REGULATION (EU) .../...

amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards octyl gallate (E 311) and dodecyl gallate (E 312)

ANNEX

- (1) Annex II to Regulation (EC) No 1333/2008 is amended as follows:
- (a) in Part B, in Table 3: Additives other than colours and sweeteners, the entries for the food additives E 311 octyl gallate and E 312 dodecyl gallate are deleted;
 - (b) in Part C, in Table 5: Other additives that may be regulated combined, point (k) “E 310-320: Gallates, TBHQ and BHA” is replaced by the following:

(k) E 310–320: Propyl gallate, TBHQ and BHA

E-number	Name
E 310	Propyl gallate
E 319	Tertiary-butyl hydroquinone (TBHQ)
E 320	Butylated hydroxyanisole (BHA)

- (c) Part E is amended as follows:
- 1) In category 01.5 (Dehydrated milk as defined by Directive 2001/114/EC), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1)	only milk powder for vending machines
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2) In category 02.1 (Fats and oils essentially free from water (excluding anhydrous milkfat)), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA, individually or in combination) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (41)	only fats and oils for the professional manufacture of heat-treated foods; frying oil and frying fat (excluding olive pomace oil) and lard, fish oil, beef, poultry and sheep fat
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3) In category 02.2.2 (Other fat and oil emulsions including spreads as defined by Council Regulation (EC) No 1234/2007 and liquid emulsions), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA, individually or in combination) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (2)	only frying fat
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4) In category 04.2.5.4 (Nut butters and nut spreads), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (41)	only processed nuts
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5) In category 04.2.6 (Processed potato products), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	25	(1)	only dehydrated potatoes
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6) In category 05.3 (Chewing gum), the entry concerning food additives E 310-321 (Gallates, TBHQ, BHA and BHT) is replaced by the following:

E 310-321	Propyl gallate, TBHQ, BHA and BHT	400	(1)
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7) In category 06.3 (Breakfast cereals), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)	only precooked cereals
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8) In category 06.7 (Pre-cooked or processed cereals), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1)	only pre-cooked cereals
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9) In category 07.2 (Fine bakery wares), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1)	only cake mixes
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10) In category 08.3.1 (Non-heat-treated meat products), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)	only dehydrated meat
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11) In category 08.3.2 (Heat-treated meat products), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)	only dehydrated meat
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12) In category 12.2.2 (Seasonings and condiments), the entry concerning food additives E 310-321 (Gallates, TBHQ, BHA and BHT) is replaced by the following:

E 310-321	Propyl gallate, TBHQ, BHA and BHT	200	(1) (13)	
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13) In category 12.5 (Soups and broths), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)	only dehydrated soups and broths
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14) In category 12.6 (Sauces), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)
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15) In category 15.1 (Potato-, cereal-, flour- or starch-based snacks), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1)	only cereal-based snack foods
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16) In category 15.2 (Processed nuts), the entry concerning food additives E 310-320 (Gallates, TBHQ and BHA) is replaced by the following:

E 310-320	Propyl gallate, TBHQ and BHA	200	(1) (13)
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17) In category 17.1 (Food supplements supplied in a solid form including capsules and tablets and similar forms, excluding chewable forms), the entry concerning food additives E 310-321 (Gallates, TBHQ, BHA and BHT) is replaced by the following:

E 310-321	Propyl gallate, TBHQ, BHA and BHT	400	(1)
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- 18) In category 17.2 (Food supplements supplied in a liquid form), the entry concerning food additives E 310-321 (Gallates, TBHQ, BHA and BHT) is replaced by the following:

E 310-321	Propyl gallate, TBHQ, BHA and BHT	400	(1)
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- 19) In category 17.3 (Food supplements supplied in a syrup-type or chewable form), the entry concerning food additives E 310-321 (Gallates, TBHQ, BHA and BHT) is replaced by the following:

E 310-321	Propyl gallate, TBHQ, BHA and BHT	400	(1)
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(2) Annex III to Regulation (EC) No 1333/2008 is amended as follows:

- (a) in Part 4 (Food additives including carriers in food flavourings), the entries concerning food additives E 310, E 311, E 312, E 319 and E 320 are replaced by the following:

E 310	Propyl gallate	Essential oils	1 000 mg/kg (propyl gallate, TBHQ and BHA, individually or in combination) in the essential oils
E 319	Tertiary-butyl hydroquinone (TBHQ)		
E 320	Butylated hydroxyanisole (BHA)	Flavourings other than essential oils	100 mg/kg ⁽¹⁾ (propyl gallate) 200 mg/kg ⁽¹⁾ (TBHQ and BHA, individually or in combination) in flavourings

- (b) in Part 4 (Food additives including carriers in food flavourings), the footnote ⁽¹⁾ is replaced by the following:

⁽¹⁾ Proportionality rule: when combinations of propyl gallate, TBHQ, and BHA are used, the individual levels must be reduced proportionally.