



THE ADVISORY GROUP ON THE FOOD CHAIN, ANIMAL AND PLANT HEALTH

**Draft Guidance document on the
carry over principle, laid down in
Article 18 of Regulation (EC) No
1333/2008 on food additives**

Brussels 12 December 2014

This presentation expresses the views of the author and
does not, in any case, bind the European Commission

Draft Guidance document on the carry- over principle

- Background
- The principle
- Presentation of the document
- Feed-back

Regulation (EC) No 1333/2008 on food additives

It provides for:

- Definitions
- Conditions of use
- Union list of authorised food additives
- Labelling requirements

Union list of food additives authorised in food

Only food additives included in the Union list, in its Annex II, may be used in foods under the conditions of use specified therein.

- Established by Regulation (EU) No 1129/2012 in application since 1 June 2013
- Listed on the basis of the **categories of food** to which they may be added
- Since adoption of Union list **43 new regulations amending Annex II** with new authorisations and review of colours, aluminium containing additives and removal of one substance.

Union list of food additives authorised in Additives, Enzymes, Flavourings and Nutrients

- ❑ Annex III to Regulation (EC) No 1333/2008, established by **Regulation (EU) No 1130/2011**
 1. Carriers in food additives
 2. Food additives other than carriers in food additives
 3. Food additives including carriers in food enzymes
 4. Food additives including carriers in food flavourings
 5. Carriers in nutrients and other substances added for nutritional and/or for other physiological purposes

- ❑ Applies from 2 December 2012

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

1. The presence of a food additive shall be permitted:
 - a) in a compound food other than as referred to in Annex II, where the food additive is permitted in one of the ingredients of the compound food

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

1. The presence of a food additive shall be permitted:
 - b) in a food to which a food additive, food enzyme or food flavouring has been added, where the food additive:
 - i. is permitted in the food additive, food enzyme or food flavouring in accordance with this Regulation; and
 - ii. has been carried over to the food via the food additive, food enzyme or food flavouring; and
 - iii. has no technological function in the final food;

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

1. The presence of a food additive shall be permitted:
 - c) in a food which is to be used solely in the preparation of a compound food and provided that the compound food complies with this Regulation

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

2. Paragraph 1 shall not apply to infant formulae, follow-on formulae, processed cereal-based foods and baby foods and dietary foods for special medical purposes intended for infants and young children as referred to in Regulation (EU) No 609/2012, except where specifically provided for.

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

3. Where a food additive in a food flavouring, food additive or food enzyme is added to a food and has a technological function in that food, it shall be considered a food additive of that food and not a food additive of the added flavouring, food additive or food enzyme, and must then comply with the conditions of use for that food as provided for.

Article 18 of Regulation (EC) No 1333/2008

Principle of carry-over

4. Without prejudice to paragraph 1, the presence of a food additive used as a sweetener shall be permitted in a compound food with no added sugars, in an energy-reduced compound food, in compound dietary foods intended for low-calorie diets, in noncariogenic compound foods, and in a compound food with an increased shelf-life, provided that the sweetener is permitted in one of the ingredients of the compound food.

Guidance document

- For Member State control authorities and food industry to assure correct implementation of the food additives legislation.
- The guidance document does not represent the official position of the Commission and does not intend to produce legally binding effects.
- Only the European Court of Justice has jurisdiction to give preliminary rulings concerning the validity and interpretation of acts of the institutions of the EU pursuant to Article 267 of the Treaty.

Draft Guidance document

1. Introduction
2. The principle
 - a. Compound food
 - b. Additives, flavourings, enzymes
 - c. Reverse carry over
3. Exceptions
4. Specific provisions for sweeteners and colours
5. Labelling
6. Question and answers

Next steps

- Stakeholders are requested to provide feed-back, comments, questions, suggestions etc. by 28 February 2015 to: Wim.debeuckelaere@ec.europa.eu
- Commission will further consult with Member States experts and finalise during first half 2015.
- The final document will be presented at SCOPAFF and made available on Commission website: http://ec.europa.eu/food/food/fAEF/additives/guidance_en.htm

Thank you for your attention

European Commission, DG Health and Consumers Website
http://ec.europa.eu/food/food/fAEF/index_en.htm

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