

10/06/2021

**European Union comments on  
Codex Circular Letter CL 2021/25-FA**

**Request for the comments on the food additive provisions for the GSFA**

*European Union Competence  
European Union Vote*

The European Union (EU) would like to provide the following comments:

**CX/FA 21/52/7**

Use of emulsifiers in FC 2.1.2

The EU takes note of the feedback provided by the CCFO as regards the technological justification for the use of emulsifiers in FC 2.1.2 (paras 108-111, REP19/FO). Nevertheless, the EU would like to note that it does not recognise the technological need for the use of emulsifiers in this food category.

Creation of a group header in the GSFA for INS 473, 473a, and 474

The EU supports putting INS 473, 473a, and 474 under one group header as outlined for several food categories in Appendix 3. However, for the food categories where INS 474 is permitted only, which is associated with the sole functional class ‘emulsifier’, the EU suggests adding a note ‘For use as emulsifier only’ to respect the technological need and justification appraised by the Committee in the past. This note has already been suggested in FC 4.1.1.2, however, in FCs 1.5.1, 4.2.2.6 and 14.2.7 is missing.

Provisions for nitrates (INS 251, 252) and nitrites (INS 249, 250)

The EU supports both recommendations as formulated in Appendix 5. The EU, however, takes note of the comment made by Japan (page 147, CX/FA 21/52/7) as regards “Working instructions for the implementation of the criteria approach in Codex” laid down in the Procedural Manual. The EU suggests that it is clarified, with the help of the Codex Secretariat, whether the Committee, in line with the Procedural Manual, can request CCMAS to establish criteria for the detection of nitrate and nitrite ions and provide information on available methods for detection that meet those criteria.

Provisions for alitame (INS 956)

The EU expressed its concern over the adopted provisions for alitame due to very high MLs in many food categories, which in the EU’s view, do not ensure that the intake of alitame from all its uses does not exceed its low JECFA ADI (1 mg/kg bw/day). Similar concerns are spelled out in the JECFA

assessment of alitame<sup>1</sup>. Therefore, the EU welcomes that the final EWG proposal recommends revocation of many provisions. Nevertheless, the EU still has a concern over the remaining provisions recommended for adoption as they are at or above the ML of 40 mg/kg, i.e. the theoretical maximum level of alitame calculated by JECFA. There is also no numerical use level for table-top sweeteners, which is not appropriate for a sweetener with such a low ADI.

#### Appendix 7 – provisions for colours

The EU does not support the use of colours in the parental FC 05.1 as the use of colours in some of its subcategories (FC 5.1.1 and 5.1.2) is not technologically justified and it may mislead the consumer as regards the quality of products. For example, no colours are currently authorised for use in FC 5.1.1 or in its corresponding commodity standards (CXS 105 and CXS 141). This FC includes a variety of products further used in the manufacture of other chocolate products or in the preparation of cocoa-based beverages. The use of colours in FC 5.1.1 would mislead the consumer as regards the content of cocoa constituents. In addition, some products produced from ingredients falling within FC 5.1.1 do not allow the use of colours (e.g. chocolate milk, FC 1.1.4, Note 52). Similar comments also apply to FC 5.1.2.

Further discussion at the GSFA working group is needed on the use of colours in food supplements (FC 13.6) as many of the proposed use levels are, in the EU's view, excessive and thus not justified and too high vis-à-vis the JECFA ADIs.

The EU does not support the use of colours in FC 14.2.1 'Beer and malt beverages' due to the lack of the technological justification except for caramel colours used to standardise the colour of beer and to compensate for losses during the production process.

Whilst the EU informed, based on the data reported by the industry to EFSA, on the use of certain colours in FC 14.2.6 and 14.2.7, it is recommended to discontinue those provisions. The EU will reiterate this information in support of the adoption of those provisions for which the use was reported in the EU.

Further comments on CX/FA 21/52/7 will be presented orally during the working group on the GSFA.

#### **CX/FA 21/52/7 Add.1**

Draft and proposed draft provisions in the GSFA in FCs 04.1.1.2 "Surface-treated fresh fruit" and 04.2.1.2 "Surface-treated fresh vegetables"

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<sup>1</sup>[http://apps.who.int/iris/bitstream/handle/10665/42601/WHO\\_TRS\\_913.pdf;jsessionid=2254CDE2694568276D5A82F2B5DF24DA?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42601/WHO_TRS_913.pdf;jsessionid=2254CDE2694568276D5A82F2B5DF24DA?sequence=1)

The EU appreciated further discussion on the use of food additives in the food categories 4.1.1.2 and 4.2.1.2. The EU observes that the document CX/FA 21/52/7 Add.1 recommends the adoption to all additive provisions discussed under the mentioned categories. The EU would like to note that a justification and information on the use specific to the additives under consideration was provided only for some of them. The EU, therefore, does not support the adoption of the provisions for which no specific justification and information on the use has been provided. In case appropriate justification is provided, any provisions for adoption shall be accompanied with the relevant Note 453<sup>2</sup>, 454<sup>3</sup>, 455<sup>4</sup> or 456<sup>5</sup>.

Provisions for acesulfame potassium (INS 950) in food categories 14.1.4 and 14.1.5 and saccharins (INS 954(i)-(iv)) in subcategories of food categories 14.1.4

The EU, in line with Section 1.4 of the Preamble to the GSFA and with the Procedural Manual<sup>6</sup>, supports requesting JECFA to verify whether the Maximum Use Levels under consideration ensure that the intake of an additive from all its GSFA uses does not exceed its ADI.

Proposals for additives with the functional class of colour in FCs 14.1.4 and its subcategories

The EU takes note of the final proposal in CX/FA 21/52/7 Add.1. as regards the use of colours in FC 14.1.4. The EU could accept the majority of the final recirculation proposals. However, the EU does not support the proposed provisions for amaranth (INS 123) and annatto extracts, norbixin based (INS 160b(ii)) as those additives have very low ADIs, which could raise potential exposure concerns even at low MLs when used in FC 14.1.4. Colours with higher ADIs (or ADIs not specified) should be used instead.

Use of Table 3 additives with sweetener function in FC 14.1.5 (polyols)

The EU expressed its concern over the use of polyols in beverages. Such uses are not authorised in the EU (with the exception of erythritol in FC 14.1.4) as a particular attention should be given to potential laxative effects linked with polyols. The EU believes that some further explanation from JECFA would be desirable as regards the applicability of 'the ADI not specified' when polyols are used (for different purposes) in beverages. The EU welcomes that the final recirculation proposals suggest numerical Maximum Use Levels for the use of polyols in FC 14.1.5. However, the EU believes that

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<sup>2</sup> Note 453: "For use as a glaze where such surface treatment is allowed for application to the surface of fresh fruit."

<sup>3</sup> Note 454: "For use in waxes, coatings or glazes where these surface treatments are allowed for application to the surface of fresh fruit."

<sup>4</sup> Note 455: "For use as a glaze where such surface treatment is allowed for application to the surface of fresh vegetables, seaweeds or nuts and seeds."

<sup>5</sup> Note 456: "For use in waxes, coatings or glazes where these surface treatments are allowed for the application to the surface of fresh vegetables, seaweeds, or nuts and seeds."

<sup>6</sup> "To resolve questions related to dietary exposure of food additives, the Committee on Food Additives may request JECFA to perform exposure assessments for the additives based on the acceptable maximum use levels under consideration by the Committee on Food Additives.", 27<sup>th</sup> edition Procedural Manual, page 66.

some of the proposed MLs are excessive, in the light of potential laxative effects and therefore a further discussion is necessary.

Further comments on CX/FA 21/52/7 Add.1, including comments on the provisions related to the use of colours in FCs 01.0 through 03.0, will be presented orally during the working group on the GSFA.