

**European Union Comments**  
**CODEX COMMITTEE ON FOOD ADDITIVES**  
**Forty-Seventh Session**  
**Xi'an, China, 23-27 March 2015**  
**AGENDA ITEM 5(g)**

**Note 161 – Application of alternative note to provisions for sweeteners**  
**(CX/FA 15/47/13)**

*European Union Competence*

*European Union Vote*

The European Union (EU) would like to thank the United Kingdom for chairing the electronic Working Group and developing the discussion paper.

**General comments**

The EU appreciates the work carried out on the application of alternative note to provisions for sweeteners. The EU would like to point out that the current work is based on the results of the previous electronic Working Group (see CX/FA 14/46/14) which identified concerns regarding the provisions with Note 161 in specific food categories and the reasons for these concerns in order to explore the use of alternative Note(s).

The EU supports the approach that Note 161 could be replaced by an alternative note only if the alternative note correctly and fully addresses the concern(s) which have resulted in the application of Note 161.

**Specific comments**

**Recommendation 1:** That CCFA maintain note 161 for the categories in list T.

The EU takes note that there was no consensus in the eWG as regards the use of alternative note “*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997*” for list T.

Whilst the EU could support the use of the mentioned alternative note for list T, it accepts to maintain note 161 as well as a compromise between different Codex Members as regards the use of sweeteners.

**Recommendation 2:** That CCFA maintain note 161 for the categories in list U.

The EU has the same comments as for Recommendation 1. In addition, the EU questions the technological justification for the use of sweeteners in the category 07.1 Bread and ordinary bakery ware and mixes, 12.2.2 Seasonings and condiments and 12.3 Vinegars. However, the EU could accept to maintain note 161 in the mentioned categories as a compromise solution.

**Recommendation 3:** That CCFA agree to the replacement of note 161 for the categories in list V with the new note ‘*For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997*’.

The EU supports the recommendation for the majority of the food categories listed in list V.

As regards the category 04.2.2.4 *Canned or bottled or retort pouch vegetables* the EU would like to highlight that there is a conflict with all seven commodity standards corresponding to that category. Therefore, the EU is of the view that the use of sweeteners is not justified and the provisions should be revoked.

**Recommendation 4:** That CCFA agree to the replacement of note 161 for the categories in list W with the new note *‘For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997’* or that the provisions are revoked/discontinued.

The EU supports the recommendation. The EU is of the view that the provisions for sweeteners should be discontinued/revoked in category 02.3 (the use of sweeteners is not justified) and 04.1.2 (not appropriate in this parental food category, however, the use of sweeteners can be considered in some sub-categories). For the category 04.1.2.11 and 05.1.5 the EU accepts the use of sweeteners with the note *‘For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997’*

**Recommendation 5:** That CCFA agree to the replacement of note 161 with the specific notes listed for the categories in list X.

List X includes food categories for which the EU questioned the technological need for sweeteners in its reply to the eWG. Taking into account that there was just one round of consultation the EU could not express its view on the information provided by other members of the eWG and on the new notes proposed. Therefore, the EU provides the following comments on the individual food categories:

<b>FC No</b>	<b>Title</b>	<b>Recommendation</b>
04.1.2.3	Fruit in vinegar, oil, or brine	Replace with existing note 144: “For use in sweet and sour products only”. <b>EU:</b> accepts
04.2.2.2	Dried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds	Replace with existing note 144 “For use in sweet and sour products only” and new note “For use in dried seaweed only”. <b>EU:</b> could support the note <i>“For use in dried seaweed only”</i> only. The EU is still not convinced about the need for sweeteners in other dried products. Further discussion is needed.
04.2.2.3	Vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera) and seaweeds in vinegar, oil, brine, or soybean sauce	Replace with existing note 144: “For use in sweet and sour products only”. <b>EU:</b> accepts
01.3.2	Beverage whiteners	Replace with new note “For use in pre-sweetened beverage whiteners only” <b>EU:</b> the EU could accept only if sweeteners are used to replace sugars – i.e. note <i>‘For use only in energy-reduced food or food with no added sugars as defined in CAC/GL 23-1997’</i> should be used
01.4.4	Cream analogues	Replace with a new note “For use in pre-sweetened cream analogues only” <b>EU:</b> questions technological need. EU is not aware of the need to add sugars to normal cream (FC 01.4 and its subcategories). Therefore, the EU does not see the need to add sugar/sweeteners to cream analogues.
01.5.2	Milk and cream powder analogues	Replace with a new note “For use in pre-sweetened milk and cream powder analogues only”. <b>EU:</b> questions the technological need. Sugar is

		normally not added to milk and cream (analogues) therefore the EU does not see the need for sweeteners.
01.6.1	Unripened cheese	Replace with a new note “For use in flavoured unripened cheese only” <b>EU:</b> questions the technological need. The use of sweeteners is in conflict with all corresponding commodity standards. Sugar is not an ingredient of unripened cheese.
01.6.5	Cheese analogues	Replace with a new note “For use in pre-sweetened products only” <b>EU:</b> questions technological need. Sugar is not normally added to cheese, therefore, the EU does not see the need to add sweeteners. Modifying the perception of acid profile is rather the function of flavourings (flavour modifiers) than sweeteners.
04.1.2.1	Frozen fruit	Replace with a new note “For products in a syrup or juice with no added sugar only” <b>EU:</b> accepts
04.1.2.2	Dried fruit	Replace with a new note “For use only in non standardised energy-reduced products or products with no added sugars as defined in CAC/GL 23-1997” <b>EU:</b> questions the technological need for sweeteners in dried fruit. In addition the use as described (to modify the taste profile) would mislead the consumer – the taste of dried fruit should be characteristic to the original fruit and not modified by the use of sweeteners.
04.1.2.7	Candied fruit	Replace with a new note “For use candied plums only” <b>EU:</b> the EU could accept if the note is revised to “ <i>For use in candied plums with no added sugar only</i> ”
04.2.2.6	Vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweed, and nut and seed pulps and preparations (e.g. vegetable desserts and sauces, candied vegetables) other than food category 04.2.2.5	Replace with new notes ““In crystallised ginger only” and “For use in traditional sweets containing boiled bean paste only” <b>EU:</b> would like to learn more about the need for sweeteners in crystallised ginger and in traditional sweets containing boiled bean paste
04.2.2.7	Fermented vegetable (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweed products, excluding fermented soybean products of food categories 06.8.6, 06.8.7, 12.9.1, 12.9.2.1 and 12.9.2.3	Replace with existing note 144: “For use in sweet and sour products only”. <b>EU:</b> questions the need. The provisions should be revoked - no examples or technological justification was provided (see page 20 of CX/FA 15/47/13)
04.2.2.8	Cooked or fried vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), and seaweeds	Replace with new note “for use in boiled beans only” <b>EU:</b> would like to learn more about the need for sweeteners in boiled beans

**Recommendation 6:** That CCFA agree a suitable note for the food categories in list Y to reflect the use as flavour enhancers for aspartame and acesulfame K.

The EU could support the recommendation if appropriate maximum use levels for aspartame and acesulfame K to be used as flavour enhancers only are provided for the mentioned categories.

**Recommendation 7:** That CCFA agree to discontinue/revoke provisions for the use of the three sweeteners in the food categories in List Z.

The EU supports the recommendation.

**Recommendation 8:** As the use level for the aspartame-acesulfame salt is related to that for either aspartame or acesulfame potassium, whichever is lower, it is recommended that CCFA should check the use levels to ensure consistency in the use levels for all three of these additives.

The EU supports the recommendation.

**Recommendation 9:** That CCFA consider similar changes to the provisions for all other intense sweeteners in the same food categories and that all agreed changes for all of the sweeteners are implemented at the same time.

The EU supports the recommendation. There should be level playing field for all sweeteners listed in the same food category.