

**European Union comments on**  
**Codex Circular Letter CL 2016/5-FA**  
**MATTERS FOR ADOPTION BY THE 39<sup>TH</sup> SESSION OF THE**  
**CODEX ALIMENTARIUS COMMISSION**  
**Draft and Proposed Draft Standards and Related Texts at**  
**Steps 8 or 5/8 of the Procedure**

*European Union Competence*

*European Union Vote*

**1. Proposed draft Specifications for the Identity and Purity of Food Additives (para. 30(a) and Appendix III, Part A)**

The EU would like to reiterate its general reservation on the reference, in the specifications, to food additives used in food additives (i.e. secondary additives) as expressed at CAC36 and CAC37. In the EU's view the specifications should be related to the substances themselves and not to the preparations.

**2. Draft and proposed draft food additive provisions of the General Standard for Food Additives (GSFA) (CODEX 192-1995) (paras 11, 23, 52 (a), 56, 68, 70, 74, 75 and Appendix VII, Parts A-H)**

Provisions for Lauric Arginate Ethyl Ester and Nisin

The EU supports the adoption of the draft and proposed draft food additive provisions in Appendix VII, Parts A-H of REP 16/FA PR with the exception of the provisions for Lauric Arginate Ethyl Ester (INS 243) and Nisin (INS 234) due to potential intake concerns. Both food additives (preservatives) are authorised for use in certain foods in the EU. However, the risk assessments conducted by the European Food Safety Authority (EFSA) led to substantially lower health-based guidance values in the EU (for INS 234 JECFA ADI is 2 mg/kg bw/day and EFSA ADI 0.13 mg/kg bw/day, for INS 243 JECFA ADI is 4 mg/kg bw/day and EFSA 0.5 mg/kg bw/day). Therefore, the use and use levels of these food additives have to be carefully considered due to a possible overall exposure from the provisions in the GSFA. The EU would like to introduce a reservation to the adoption of the provisions for Lauric Arginate Ethyl Ester (INS 243) and Nisin (INS 234).

#### ML for benzoates in food category 14.1.4

The EU supports the recommendation of JECFA to reduce the ML for benzoates in Food Category 14.1.4 due to intake concerns and acknowledges the revision of the ML from 600 mg/l to 250 mg/l as agreed at CCFA48. Nevertheless, the EU would like to express its concern that the ML of 250 mg/l is still excessive and therefore a further discussion, as indicated at CCFA48, on the appropriate ML for benzoates in this food category is necessary.