



Expert Group on Regulation (EU) No 1169/2011 on the provision of food information to consumers

Short minutes of the meeting held on 08 December 2023 in Brussels

Topic: Exchange of views on draft delegated regulation amending Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards behenic acid from mustard seeds to be used in the manufacturing of certain emulsifiers.

The Commission (DG SANTE), Norway and representatives from all EU Member States (except for Italy and Malta) participated in the meeting (either in-person or remotely).

Background

This was the third meeting of the Expert Group on the provision of Food information to consumers devoted to the preparation of the delegated regulation in subject. In the previous meeting the experts agreed on the proposed text, with the exception of one Member State which expressed doubts on the daily combined dietary exposure to the emulsifiers in question estimated by EFSA in its scientific opinion on behenic acid from mustard seeds of 2016¹. The Commission further examined this comment and requested the European Food Safety Authority (EFSA) to update its 2016 scientific opinion on behenic acid, taking into account the most recent scientific evidence. EFSA published its re-evaluation on behenic acid from mustard seeds in September 2023².

Meeting

The objective of this meeting was to present to the experts the new scientific opinion and to discuss the revised draft delegated regulation, prepared by the Commission. EFSA presented its recent opinion highlighting that the new assessment concluded that based on the information and data available, it is extremely unlikely that oral consumption of emulsifiers to be manufactured using behenic acid from mustard seeds (i.e., E470a, E471 and E477) will trigger an allergic reaction in mustard-allergic individuals under the proposed conditions of use.

The delegations that took the floor supported the adoption of the delegated act. Some delegations further suggested that the wording of the allergen *mustard* in Annex II of the Food Information to Consumers Regulation is amended in order to clarify which species and parts of the plant are covered by the term *mustard*, but it was concluded that this question merits more thorough reflection and should be addressed more appropriately in a subsequent revision of Annex II together with the scientific names of certain nuts that were also discussed during this meeting.

Conclusions

It was concluded that the Commission will launch the adoption procedure for the delegated regulation, should no other comments arrive on the draft measure (to be submitted by Member States in written form after the meeting).

¹ EFSA Journal 2016; 14(11):4631, p.14.

² EFSA Journal 2023;21(9):8240