

Dynamism of the EU Regulatory Framework

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The views and opinions expressed within are those of the author and do not necessarily reflect the official policy or position of NATCOL or DuPont Nutrition & Health

Natural Food Colours Association
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web:<https://natcol.org>

What EU legislation do you need to know to check your color product is acceptable and how might that change...

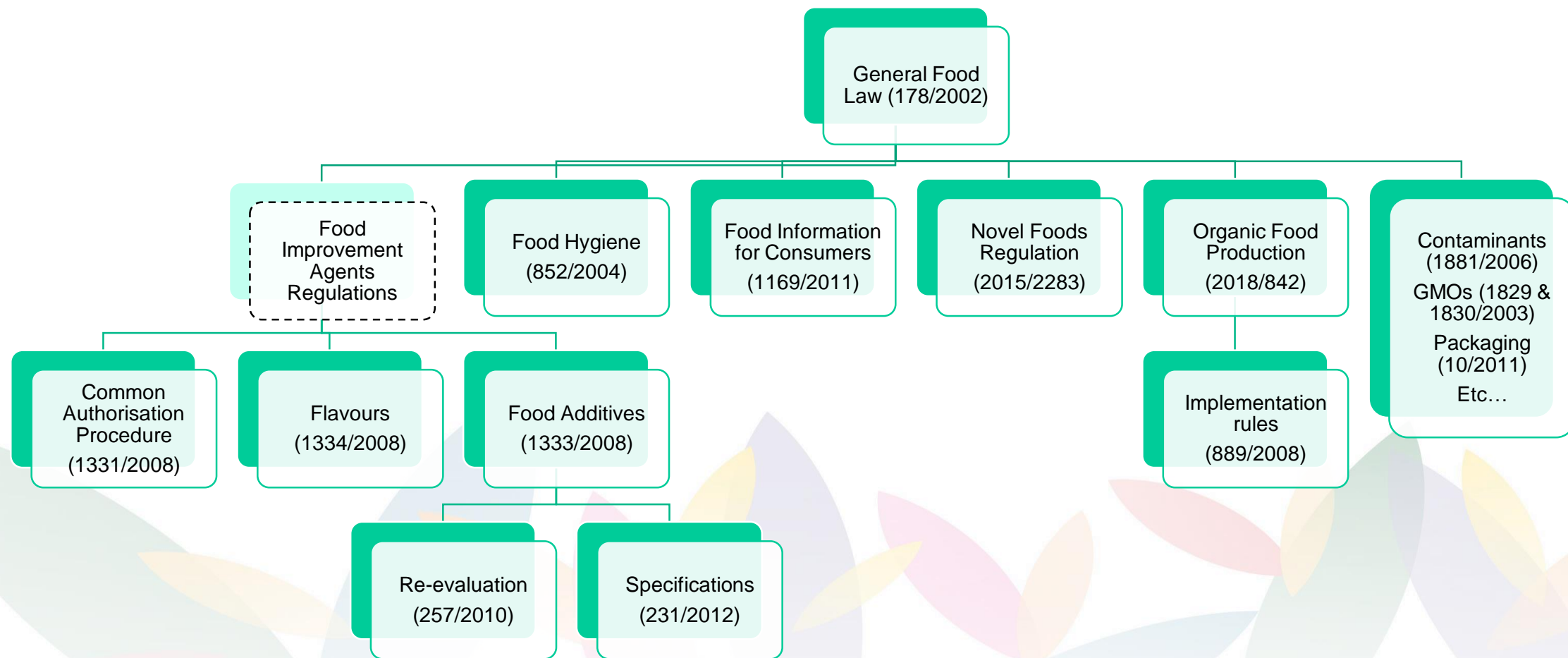


An introduction to the EU regulatory framework for color and coloring food products and how the legislation is changed

EU Regulations – who's who

- **EFSA – European Food Safety Authority – Risk Assessment**
 - A source of scientific advice and communication on risks associated with the food chain
 - Panels of independent scientists supported by a permanent staff
- **European Commission – EU Executive**
 - Responsible for drawing up proposals for new European legislation, and implements the decisions of the European Parliament and the Council of the EU
- **Council of the EU – Representatives of the Member States governments**
 - Negotiates and adopts EU laws
 - Members of the Standing Committees and Working Parties
- **Parliament – Directly elected representatives**
 - Represent people's interests with regard to EU law-making and to make sure other EU institutions are working democratically.

EU Regulatory Framework



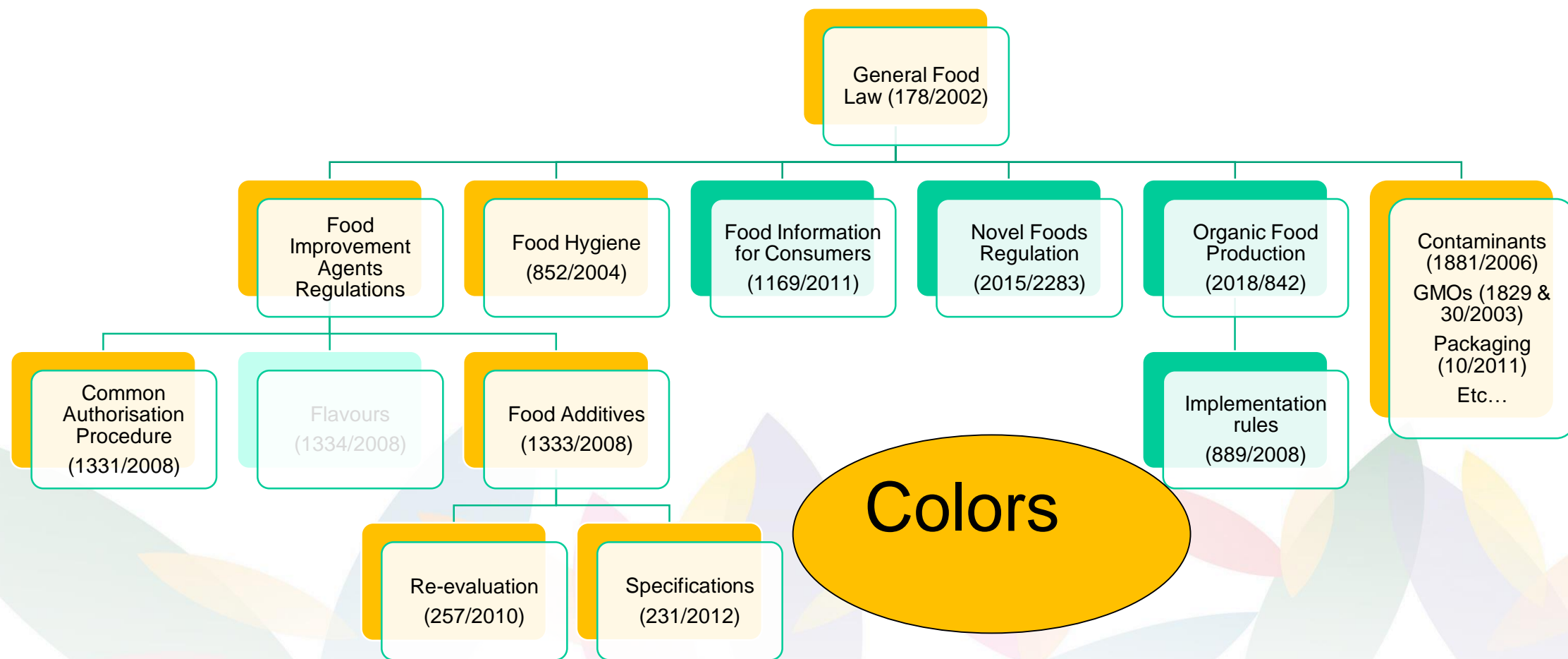
Non-exhaustive framework of the regulations that may apply for colours and colouring foods

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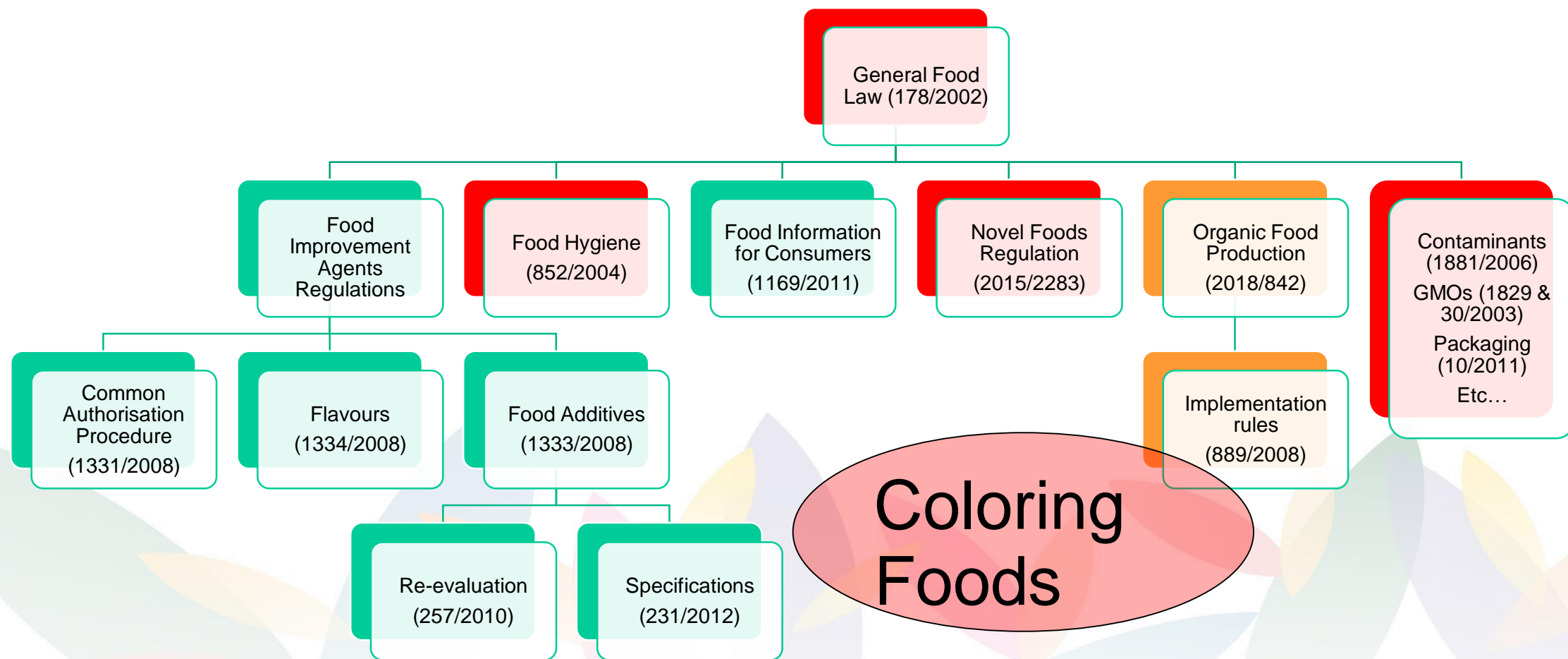
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Non-exhaustive framework of the regulations that may apply for colours and colouring foods

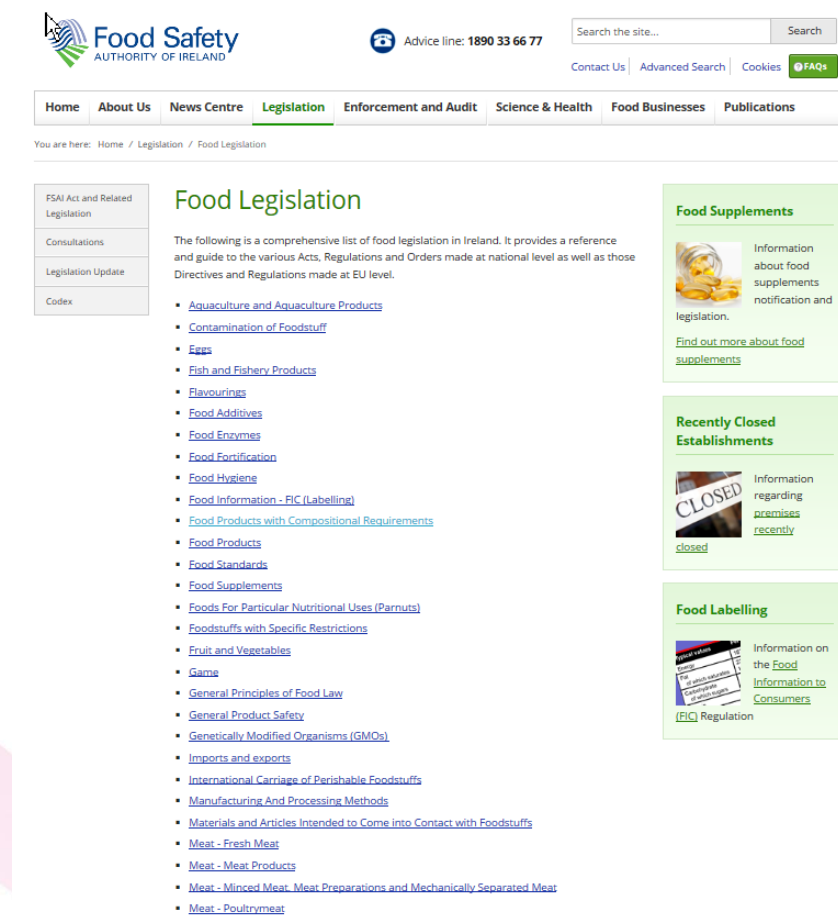
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EU legislation in Member States

- Most food legislation is in the form of regulations
- These are directly applicable in the Member States
- National Governments set penalties and enforcement provisions
- Where there is no EU legislation, Member States can set their own local rules
- Some national governments also have food law guides
- https://www.fsai.ie/legislation/food_legislation.html



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Food Legislation

The following is a comprehensive list of food legislation in Ireland. It provides a reference and guide to the various Acts, Regulations and Orders made at national level as well as those Directives and Regulations made at EU level.

- [Aquaculture and Aquaculture Products](#)
- [Contamination of Foodstuff](#)
- [Eggs](#)
- [Fish and Fishery Products](#)
- [Flavourings](#)
- [Food Additives](#)
- [Food Enzymes](#)
- [Food Fortification](#)
- [Food Hygiene](#)
- [Food Information - FIC \(Labelling\)](#)
- [Food Products with Compositional Requirements](#)
- [Food Products](#)
- [Food Standards](#)
- [Food Supplements](#)
- [Foods For Particular Nutritional Uses \(Parnuts\)](#)
- [Foodstuffs with Specific Restrictions](#)
- [Fruit and Vegetables](#)
- [Game](#)
- [General Principles of Food Law](#)
- [General Product Safety](#)
- [Genetically Modified Organisms \(GMOs\)](#)
- [Imports and exports](#)
- [International Carriage of Perishable Foodstuffs](#)
- [Manufacturing And Processing Methods](#)
- [Materials and Articles Intended to Come into Contact with Foodstuffs](#)
- [Meat - Fresh Meat](#)
- [Meat - Meat Products](#)
- [Meat - Minced Meat, Meat Preparations and Mechanically Separated Meat](#)
- [Meat - Poultrymeat](#)

Food Supplements
Information about food supplements notification and legislation.
[Find out more about food supplements](#)

Recently Closed Establishments
Information regarding premises recently closed

Food Labelling
Information on the Food Information to Consumers (FIC) Regulation

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Changing EU Laws – main legislation

Ordinary Legislative Procedure

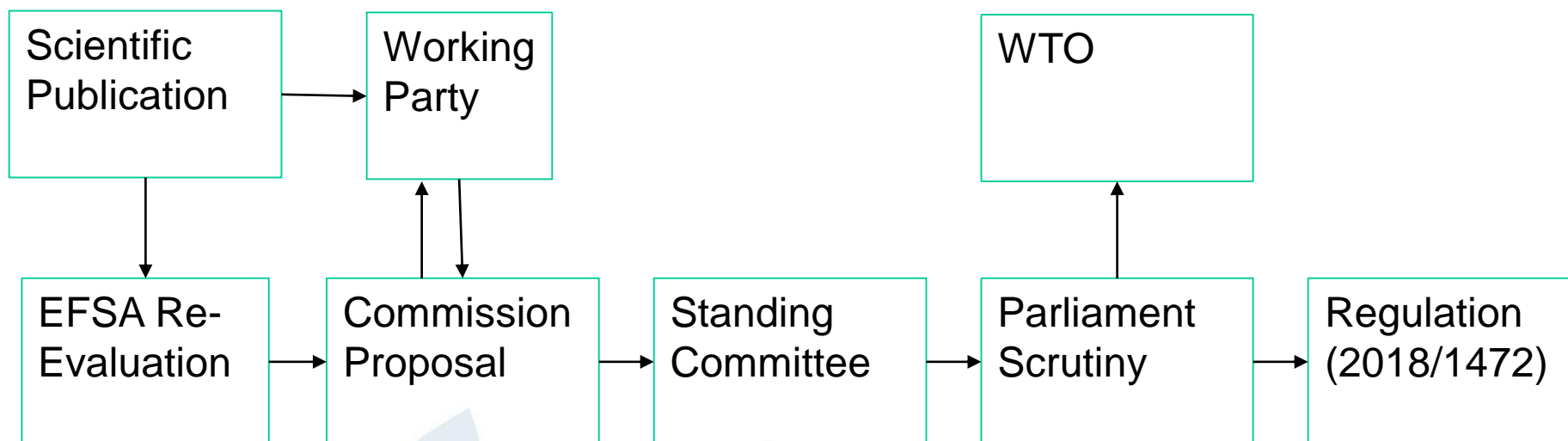
- Involves Commission, Council and Parliament
- Up to three readings
- Amendments can be proposed
- Can be a very long process
- Typically 2 year or more transition periods



Changing EU Laws - Updating

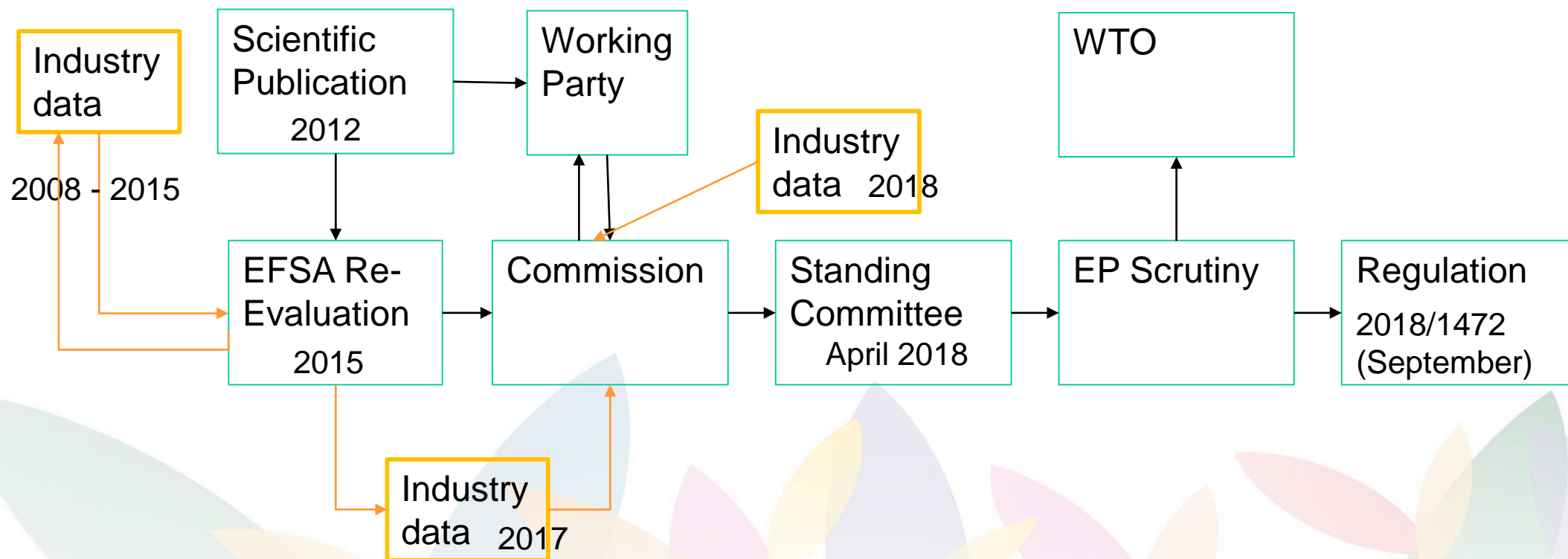
- Comitology Procedure
- Powers for amending Regulations can be delegated to the Commission
- This is the case for changes to the Additives legislation
- There have been 82 regulations amending Regulation 1333/2008 up to October 2018
- Once recent change was an amendment to the name for E120 from Cochineal, Carminic acid, Carmines to Carminic acid, Carmine (2018/1472)
- The specification in regulation (231/2012) was updated by the same regulation

Updating the carmine specification





Updating the carmine specification



Guidance and interpretations

- Guidance documents are used to assist industry with interpreting regulations
 - Colouring goods
 - Food category descriptions
- Working Party on Food Additives helps interpret regulations
- Standing Committee can also agree on interpretations of regulations and issue statements

- Standing Committee minutes are published
- In this case they issued a statement about the use of vegetable extracts performing a technological function

**SUMMARY REPORT OF THE
STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED
HELD IN BRUSSELS ON 17 SEPTEMBER 2018
(Section Novel Food and Toxicological Safety of the Food Chain)**

CIRCABC Link: <https://circabc.europa.eu/w/browse/6b693e53-a6ac-42e5-8922-b75d2661b3cb>

A.09 Use of vegetable extracts rich in constituents performing a technological function.

Before the discussion was opened the Commission clarified that this agenda item relates to 'plant extracts' thus covering not only 'vegetable extracts' but also other extracts of plant origin.

The Standing Committee issued statements on "*spinach extract containing high levels of nitrate used in sausages*" in 2006[1] and on "*the use of fermented vegetable broth, enriched with nitrite*" in 2010[2].

Based on the Member States' request, the use of plant extracts[3] rich in constituents capable of performing a technological function or rich in their precursors (converted to active constituents before or after addition to the food, e.g. by microorganisms) was discussed at the meeting of the Working party of Governmental Experts on Additives on 21-22 June 2018. The Commission has been made aware by Member States of industry practices which consist in adding plant extracts to food primarily for food additive functions while being erroneously claimed not to be used as food additives.

Consequently, the Committee reached unanimously the following outcome :

1. The validity of the statements of 2006 and 2010 was reconfirmed.
2. The scope of both statements shall not be limited only to (fermented/non-fermented) extracts containing high levels of nitrate/ nitrite but it shall be generally applicable to all plant extracts which, when added to foods, achieve a level of constituents (or their precursors) capable of performing a technological function in foods.
3. Such use of extracts that deliver a technological function (e.g. preservative, antioxidant, stabiliser (colour stabiliser) etc.) in foods to which they are added is deemed a deliberate use as a food additive.
4. Consequently, such use is deemed to meet the definition of a food additive and so it shall comply with the conditions set out in the food additive legislation (including relevant specifications) and be labelled in accordance with the appropriate provisions for labelling of food additives.
5. A number of plant extracts can perform both flavouring and additive functions. When flavourings have a technological function as food additives, the food additive legislation shall apply. In this case the extracts cannot be claimed to be used as flavourings.

Conclusions

- The EU regulatory framework consists of multiple regulations
- National guides can help identify the critical ones
- The main regulations normally take several years to be adopted
- Many regulations are amended regularly
- Guidance may be available and interpretations can change
- There are opportunities for industry to engage with the Authorities via Trade Associations such as NATCOL, but mostly in the early stages