



EUROPEAN
COMMISSION

Brussels, **XXX**
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COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of food additives in edible caseinates

(Text with EEA relevance)

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amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of food additives in edible caseinates

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives¹, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be amended in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008², either on the initiative of the Commission or following an application.
- (3) Directive (EU) 2015/2203³ relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC provides a list of food additives that may be used in edible caseinates. That Directive is a recast of Council Directive 83/417⁴ relating to certain lactoproteins (caseins and caseinates) intended for human consumption.
- (4) The recasted Directive provides clarity as regards the use of certain substances in edible caseinates which are considered food additives. These food additives provisions in Directive (EU) 2015/2203 should be reflected in Annex II to Regulation (EC) No 1333/2008.
- (5) Edible caseinates belong to dairy products. This group however is not yet present in Annex II to Regulation (EC) No 1333/2008. Therefore, the food category edible caseinates 01.9 should be established and the additives authorised in edible caseinates should be introduced with their conditions of use.
- (6) This transfer, which is needed to provide legal clarity, does not introduce new uses of food additives. Hence, the extended use of these additives constitutes an update of the

¹ OJ L 354, 31.12.2008, p. 16.

² Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

³ Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC (OJ L 314, 1.12.2015, p. 1).

⁴ Council Directive 83/417/EEC of 25 July 1983 on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption (OJ L 237, 26.8.1983, p. 25).

Union list which is not liable to have an effect on human health. Therefore, it is not necessary to seek the opinion of the Authority.

- (7) Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed.

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER