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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 Propionic acid – propionates (E 280 – 283) in tortillas**

(Text with EEA relevance)

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(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 additives<sup>1</sup>, and in particular Article 10(3),

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) The Union list of food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council<sup>2</sup> either on the initiative of the Commission or following an application.
- (3) An application for extension of use of preservative: calcium propionate (E282) for extension of the shelf-life of tortillas was submitted on 14 July 2015 and was made available to the Member States.
- (4) The preservatives (Propionic acid – propionates (E 280 – 283)) are needed for the extension of the shelf-life of tortillas, as this type of product is getting spoiled very quickly due to high moisture content (45%) and composition that is very appropriate for microbial growth.
- (5) Propionic acid and calcium propionate are widely used to prevent the growth of moulds in leavened bakery products, due to their minimal effect on yeast and on the odour or taste of the final product.
- (6) The European Food Safety Authority, in its opinion on the re-evaluation of propionic acid (E 280), sodium propionate (E 281), calcium propionate (E 282) and potassium propionate (E 283) as food additives<sup>3</sup>, concluded that for food as consumed, there would not be a safety concern from the maximum concentrations of propionic acid - propionates (propionic acid (E 280), sodium propionate (E 281), calcium propionate (E 282) at their currently authorised uses and use levels as food additives. The authorisation of the use of propionates in tortillas is an extension which would not lead

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<sup>1</sup> OJ L 354, 31.12.2008, p. 16.

<sup>2</sup> 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).

<sup>3</sup> EFSA Journal 2014;12(7):3779.

to additional concern as the exposure assessment done by EFSA covered tortillas that belong to food category 07.1 Bread and rolls.

- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the authorisation of the use of Propionic acid – propionates (E 280 – 283) in tortillas as preservatives is not considered of safety concern, it is not necessary to seek the opinion of the European Food Safety Authority.
- (8) Annex II to Regulation (EC) No 1333/2008 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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*