



Brussels, **XXX**
SANTE/xxxx/2015
[...](2015) **XXX** draft

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 Erythritol (E 968) in flavoured drinks

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

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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 Erythritol (E 968) in flavoured drinks

(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),

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.
- (2) That list 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 Council², either on the initiative of the Commission or following an application.
- (3) On 28 May 2014 an application was submitted for the authorisation of the use of Erythritol (E 968) as a flavour enhancer in flavoured drinks, food category 14.1.4 of Annex II to Regulation (EC) No 1333/2008. The application was subsequently made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) The use of erythritol is requested to improve the flavour profile and mouth feel of energy-reduced and with no added sugars beverages such that they taste similar to full-sugar products. Erythritol at low levels acts as a flavour enhancer helping mitigating the off-tastes and lingering sweetness associated with the use of high-intensity sweeteners. The benefit for consumers would thus be the availability of better-tasting, energy-reduced beverages or beverages with no added sugars, allowing consumers to reduce their energy and sugar intake from beverages without sacrificing taste.
- (5) In 2003, the European Union (EU) Scientific Committee on Food (SCF) concluded that erythritol is safe for use in foods. The EU approval of erythritol does not yet cover its use in beverages because the SCF opinion stated that the laxative threshold may be exceeded, especially by young consumers, through ingestion of erythritol in beverages.
- (6) On 12 February 2015 the European Food Safety Authority ('the Authority') issued an opinion³ on the safety of the proposed extension of use of erythritol (E 968) as a food

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 EFSA Journal 2015;13(3):4033

additive. Based on data comprising an exposure estimate taking into account the proposed maximum level of 1.6 % erythritol in non-alcoholic beverages, the history of use of erythritol, its absorption characteristics and the lack of adverse findings, including laxation, following exposure to it, the Authority concluded that the acute bolus consumption of erythritol via non-alcoholic beverages at a maximum level of 1.6 % would not raise concerns for laxation.

- (7) Therefore, it is appropriate to authorise the use of Erythritol (E 968) as a flavour enhancer in flavoured drinks, food category 14.1.4 of Annex II to Regulation (EC) No 1333/2008, at a maximum level of 1.6%.
- (8) 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 Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

It shall apply from the moment of entry into force of this regulation.

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