

CONSULTATION ON DRAFT REGULATIONS IMPLEMENTING IN ENGLAND EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 2006/52/EC AMENDING DIRECTIVES 95/2/EC ON FOOD ADDITIVES OTHER THAN COLOURS AND SWEETENERS AND 94/35/EC ON SWEETENERS FOR USE IN FOODSTUFFS

1. The purpose of this note is to inform Board members of a forthcoming stakeholder consultation seeking comments on new draft Regulations amending the Miscellaneous Food Additives Regulations 1995 and the Sweeteners in Food Regulations 1995, together with an associated Regulatory Impact Assessment.
2. Negotiations in Council Working Group meetings on the 6th amendment to European Parliament and Council Directive 95/2/EC and the 3rd amendment to European Parliament and Council Directive 94/35/EC were taken forward in 2005 during the Luxembourg and UK Presidencies. A first reading deal was achieved under the UK Presidency.
3. The proposed Regulations will implement in England European Parliament and Council Directive 2006/52/EC. Colleagues in FSA Scotland, Wales and NI will be conducting similar consultation exercises.
4. The key objectives of the new legislation are as follows:
 - A reduction in the authorised levels for nitrites and nitrates in meat and other food products, which takes account of the opinion of the European Food Safety Authority (EFSA), and aims to keep levels of nitrosamines as low as possible whilst maintaining the microbiological safety of food products. In addition, in line with EFSA's recommendations, controls on the level of nitrites and nitrates in meat products will be based on added rather than residual amounts. Exemptions have been introduced for a number of specified traditional products, including traditional UK meat products such as Wiltshire cured ham, bacon and similar products, to be produced based on residual amounts.
 - The withdrawal of two preservatives E 216 (propyl p-hydroxybenzoate) and E 217 (sodium propyl p-hydroxybenzoate) following an EFSA evaluation.
 - The withdrawal of the authorisation for gelling agents for use in jelly mini-cups, which are considered a choking risk. This makes permanent an earlier Commission Decision suspending the marketing in the EU of jelly mini-cups containing certain food additives derived from seaweed and/or certain gums.
 - The authorisation of seven new food additives following positive evaluations by EFSA or its predecessor, the Scientific Committee on Food; and
 - A number of additional uses of already permitted food additives.

5. It is expected that the consultation will be despatched and placed on the Agency's website on the week commencing 15 January. Copies of the consultation package are available to Board members upon request.