

Brussels, 23 July 2026
(OR. en)

12164/26

DENLEG 82
FOOD 110
SAN 612

COVER NOTE

From:	European Commission
date of receipt:	22 July 2026
To:	General Secretariat of the Council

No. Cion doc.:	D114902/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of curdlan

Delegations will find attached document D114902/02.

Encl.: D114902/02



EUROPEAN
COMMISSION

Brussels, **XXX**
PLAN/2025/2946
[POOL/E2/2025/2946/2946 EN.docx]
D114902/02
[...](2026) **XXX** draft

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

of **XXX**

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of curdlan

(Text with EEA relevance)

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

of **XXX**

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of curdlan

(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) and Article 14 thereof,

Having regard to 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 flavourings², and in particular Article 7(5) 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.
- (1) Commission Regulation (EU) No 231/2012³ lays down specifications for food additives that are listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (2) Pursuant to Article 3(1) of Regulation (EC) No 1331/2008, the Union list of food additives and specifications for food additives may be updated either on the initiative of the Commission or following an application from a Member State or an interested party.
- (3) In September 2016, an application was submitted to the Commission for the authorisation of use of curdlan as a gelling agent, firming agent, stabiliser and thickener in a broad variety of food categories. The application was subsequently made available to Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) Curdlan is a high molecular weight linear polysaccharide with thermal gelling properties, produced by fermentation from *Rhizobium radiobacter* biovar 1 strain NTK-u. It forms irreversible ‘high-set’ gels upon heating in aqueous suspension at temperatures above 80°C and reversible ‘low-set’ gels, when heated in aqueous suspension at temperatures from 55°C to 65°C and then cooled at ≤ 40°C. Curdlan is

¹ OJ L 354, 31.12.2008, p. 16, ELI: <http://data.europa.eu/eli/reg/2008/1333/oj>.

² OJ L 354, 31.12.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/1331/oj>.

³ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1), ELI: <http://data.europa.eu/eli/reg/2012/231/oj>.

intended for use as a firming agent, gelling agent, stabiliser and thickener in a broad variety of foods to improve their textural properties, water-holding capacity and thermal stability, such as noodles, dumplings, processed meat products, fish pastes, cakes, sauces, soups, processed tofu and snacks.

- (5) In the opinion published on 9 September 2024⁴, the European Food Safety Authority ('the Authority') evaluated the safety of the proposed use of curdlan as a food additive. Despite the limitations noted in the dataset, the Authority was able to assess the safety by applying the margin of exposure (MOE) approach and concluded that there is no safety concern for the use of curdlan as a food additive at the proposed uses and use levels.
- (6) It is therefore appropriate to authorise the use of curdlan as a food additive and to assign E 424 as the E-number to that additive.
- (7) The specifications for curdlan (E 424) should therefore be included in the Annex to Regulation (EU) No 231/2012, as this additive is included in the Union list of food additives laid down in Annex II to Regulation (EC) No 1333/2008 for the first time.
- (8) Regulations (EC) No 1333/2008 and (EU) No 231/2012 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

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.

Article 3

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

⁴ EFSA Panel on Food Additives and Flavourings, (2024). Safety evaluation of curdlan as a food additive. *EFSA Journal*, 2024;22:e8985, <https://doi.org/10.2903/j.efsa.2024.8985>.

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