



Council of the
European Union

Brussels, 26 January 2022
(OR. fr)

5664/22

DENLEG 11
FOOD 8
SAN 54

COVER NOTE

From:	European Commission
date of receipt:	24 January 2022
To:	General Secretariat of the Council
No. Cion doc.:	D077132/3
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending the Annex to Regulation (EU) No 231/2012 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 as regards specifications for sodium diacetate (E 262(ii))

Delegations will find attached document D077132/3.

Encl.: D077132/3



Brussels, **XXX**
SANTE/11292/2021
(POOL/E2/2021/11292/11292-EN.docx)
D077132/03
[...](2021) **XXX** draft

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

of **XXX**

amending the Annex to Regulation (EU) No 231/2012 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 as regards specifications for sodium diacetate (E 262(ii))

(Text with EEA relevance)

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

of **XXX**

amending the Annex to Regulation (EU) No 231/2012 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 as regards specifications for sodium diacetate (E 262(ii))

(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 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) Commission Regulation (EU) No 231/2012³ lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (2) The specifications for food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application from a Member State or an interested party.
- (3) On 3 August 2020, an application was submitted for the amendment of specifications concerning the food additive sodium diacetate (E 262(ii)). The application was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) Regulation (EU) No 231/2012 provides that sodium diacetate (E 262(ii)) is to contain 39 to 41 % of free acetic acid and 58 to 60 % of sodium acetate. The applicant requests the amendment to 39 to 43 % of free acetic acid and 57 to 60 % of sodium acetate.

¹ OJ L 354, 31.12.2008, p. 16.

² OJ L 354, 31.12.2008, p. 1.

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).

- (5) According to the applicant, when producing sodium diacetate, (E 262(ii)) a stoichiometric product with a free acetic acid content of 42.3 % is obtained. The applicant claims that the reduction of the free acetic acid content to 39-41 % requires excessive amounts of energy. Therefore, the increase of the upper limit for free acetic acid to 43 % will shorten the drying time during the production, resulting in the reduction of energy needed and thus in a more sustainable production process.
- (6) According to the applicant, there are no other changes to the production process, the higher amount of free acetic acid in sodium diacetate (E 262(ii)) does not have any impact on safety and, otherwise, the final product is the same, i.e. containing no other impurities than those specified in Regulation (EU) No 231/2012.
- (7) The application was discussed by the Working Party of Governmental Experts on Additives. Taking into account the information provided by the applicant and the feedback received from that Working Party, the Commission considered that the proposed amendment of the specifications for sodium diacetate (E 262(ii)) is not liable to have an effect on human health.
- (8) As the increase of the upper limit for free acetic acid content in sodium diacetate (E 262(ii)), from 41 to 43 %, is not liable to have an effect on human health, it is not necessary to seek the opinion of the European Food Safety Authority in accordance with Article 3(2) of Regulation (EC) No 1331/2008.
- (9) The Annex to Regulation (EU) No 231/2012 should therefore be amended accordingly.
- (10) 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

The Annex to Regulation (EU) No 231/2012 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

Ursula VON DER LEYEN