



23 May 2022

(22-3951)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**NOTIFICATION**

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved:</b>
<b>2. Agency responsible:</b> European Commission, Health and Food Safety Directorate-General
<b>3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Food products
<b>4. Regions or countries likely to be affected, to the extent relevant or practicable:</b> <input checked="" type="checkbox"/> <b>All trading partners</b> <input type="checkbox"/> <b>Specific regions or countries:</b>
<b>5. Title of the notified document:</b> Draft Commission Regulation amending Annexes II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of ascorbic acid (E 300), sodium ascorbate (E 301) and calcium ascorbate (E 302) in tuna (Text with EEA relevance). <b>Language(s):</b> English. <b>Number of pages:</b> 6 <a href="https://members.wto.org/crnattachments/2022/SPS/EEC/22_3611_00_e.pdf">https://members.wto.org/crnattachments/2022/SPS/EEC/22_3611_00_e.pdf</a> <a href="https://members.wto.org/crnattachments/2022/SPS/EEC/22_3611_01_e.pdf">https://members.wto.org/crnattachments/2022/SPS/EEC/22_3611_01_e.pdf</a>
<b>6. Description of content:</b> The proposal sets, in the interest of legal certainty, a maximum level for the use of ascorbic acid (E 300), sodium ascorbate (E 301) and calcium ascorbate (E302) which applies only for tuna in food categories 09.1.1 "Unprocessed fish" and 09.2 "Processed fish and fishery products including molluscs and crustaceans" in Part E of Annex II to Regulation (EC) No 1333/2008. The use of those food additives in tuna intended for canning in high amounts to artificially restore the colour of fresh tuna flesh does not comply with the general conditions for inclusion and use of food additives in the Union list and with the <i>quantum satis</i> principle. On the basis of the information provided by the industry to the European Food Safety Authority in view of the re-evaluation of the safety of the food additives and official controls carried out by some competent authorities, a maximum level of 300 mg/kg is considered appropriate. The maximum level allows to maintain the current levels of legitimate use following good manufacturing practices.
<b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> <b>food safety</b> , <input type="checkbox"/> <b>animal health</b> , <input type="checkbox"/> <b>plant protection</b> , <input type="checkbox"/> <b>protect humans from animal/plant pest or disease</b> , <input type="checkbox"/> <b>protect territory from other damage from pests.</b>
<b>8. Is there a relevant international standard? If so, identify the standard:</b> <input checked="" type="checkbox"/> <b>Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</b> Codex General Standard for Food Additives – Codex Stan 192-1995 <input type="checkbox"/> <b>World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</b>

<p><input type="checkbox"/> <b>International Plant Protection Convention (e.g. ISPM number):</b></p> <p><input type="checkbox"/> <b>None</b></p> <p><b>Does this proposed regulation conform to the relevant international standard?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>If no, describe, whenever possible, how and why it deviates from the international standard:</b> The measure sets a maximum level considered as appropriate to achieve the typical antioxidant effect on fresh tuna for three food additives of a very low safety concern. Currently, those food additives are to be used in accordance with good manufacturing practice, at a level not higher than what is necessary to achieve the intended purpose and provided the consumer is not misled.</p>
<p><b>9. Other relevant documents and language(s) in which these are available:</b> Scientific opinion re-evaluating the safety of ascorbic acid (E 300), sodium ascorbate (E 301) and calcium ascorbate (E 302) (European Food Safety Authority, EFSA Journal 2015;13(5):4087), <a href="https://www.efsa.europa.eu/en/efsajournal/pub/4087">https://www.efsa.europa.eu/en/efsajournal/pub/4087</a> (available in English)</p>
<p><b>10. Proposed date of adoption (dd/mm/yy):</b> Foreseen for September 2022</p> <p><b>Proposed date of publication (dd/mm/yy):</b> Foreseen for September 2022</p>
<p><b>11. Proposed date of entry into force:</b> <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): 20 days after publication in the Official Journal of the European Union.</p> <p><input type="checkbox"/> <b>Trade facilitating measure</b></p>
<p><b>12. Final date for comments:</b> <input checked="" type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 22 July 2022</p> <p><b>Agency or authority designated to handle comments:</b> <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. <b>Address, fax number and e-mail address (if available) of other body:</b></p> <p>European Commission  DG Health and Food Safety, Unit D2-Multilateral International Relations  Rue Froissart 101  B-1049 Brussels  Tel: +(32 2) 29 54263  Fax: +(32 2) 29 98090  E-mail: <a href="mailto:sps@ec.europa.eu">sps@ec.europa.eu</a></p>
<p><b>13. Text(s) available from:</b> <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. <b>Address, fax number and e-mail address (if available) of other body:</b></p> <p>European Commission  DG Health and Food Safety, Unit D2-Multilateral International Relations  Rue Froissart 101  B-1049 Brussels  Tel: +(32 2) 29 54263  Fax: +(32 2) 29 98090  E-mail: <a href="mailto:sps@ec.europa.eu">sps@ec.europa.eu</a></p>