

Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (Text with EEA relevance)

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Article 30

Establishment of Community lists of food additives

1 Food additives which are permitted for use in foods under Directives 94/35/EC, 94/36/EC and 95/2/EC, as amended on the basis of Article 31 of this Regulation, and their conditions of use shall be entered in Annex II to this Regulation after a review of their compliance with Articles 6, 7 and 8 thereof. The measures relating to the entry of such additives in Annex II, which are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4). The review shall not include a new risk assessment by the Authority. The review shall be completed by 20 January 2011.

Food additives and uses which are no longer needed shall not be entered in Annex II.

2 Food additives authorised for use in food additives in Directive 95/2/EC and their conditions of use shall be entered in Part 1 of Annex III to this Regulation after a review of their compliance with Article 6 thereof. The measures relating to the entry of such additives in Annex III, which are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4). The review shall not include a new risk assessment by the Authority. The review shall be completed by 20 January 2011.

Food additives and uses which are no longer needed shall not be entered in Annex III.

3 Food additives authorised for use in food flavourings in Directive 95/2/EC and their conditions of use shall be entered in Part 4 of Annex III to this Regulation after a review of their compliance with Article 6 thereof. The measures relating to the entry of such additives in Annex III, which are designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(4). The review shall not include a new risk assessment by the Authority. The review shall be completed by 20 January 2011.

Food additives and uses which are no longer needed shall not be entered in Annex III.

4 Specifications of the food additives covered under paragraphs 1 to 3 of this Article shall be adopted, in accordance with Regulation (EC) No 1331/2008 [establishing a common authorisation procedure for food additives, food enzymes and food flavourings], at the moment those food additives are entered in the Annexes in accordance with those paragraphs.

5 The measures relating to any appropriate transitional measures, which are designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 28(3).

Article 31

Transitional measures

Until the establishment of the Community lists of food additives as provided for in Article 30 is completed, the Annexes to Directives 94/35/EC, 94/36/EC and 95/2/EC shall be amended, where necessary, by measures, designed to amend non-essential elements of those Directives, adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 28(4).

Foods placed on the market or labelled before 20 January 2010 which do not comply with Article 22(1)(i) and (4) may be marketed until their date of minimum durability or use-by-date.

Foods placed on the market or labelled before 20 July 2010 which do not comply with Article 24 may be marketed until their date of minimum durability or use-by-date.

Article 32

Re-evaluation of approved food additives

1 Food additives which were permitted before 20 January 2009 shall be subject to a new risk assessment carried out by the Authority.

2 After consultation of the Authority, an evaluation programme for those additives shall be adopted by 20 January 2010, in accordance with the regulatory procedure referred to in Article 28(2). The evaluation programme shall be published in the *Official Journal of the European Union*.

Article 33

Repeals

- 1 The following acts shall be repealed:
 - a Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorised for use in foodstuffs intended for human consumption;
 - b Directive 65/66/EEC;
 - c Directive 78/663/EEC;
 - d Directive 78/664/EEC;
 - e Directive 81/712/EEC;
 - f Directive 89/107/EEC;
 - g Directive 94/35/EC;
 - h Directive 94/36/EC;
 - i Directive 95/2/EC;
 - j Decision No 292/97/EC;
 - k Decision 2002/247/EC.
- 2 References to the repealed acts shall be construed as references to this Regulation.

Article 34

Transitional provisions

By way of derogation from Article 33, the following provisions shall continue to apply until the transfer under Article 30(1), (2) and (3) of this Regulation of food additives already permitted in Directives 94/35/EC, 94/36/EC and 95/2/EC has been completed:

- (a) Article 2(1), (2) and (4) of Directive 94/35/EC and the Annex thereto;
- (b) Article 2(1) to (6), (8), (9) and (10) of Directive 94/36/EC and Annexes I to V thereto;
- (c) Articles 2 and 4 of Directive 95/2/EC and Annexes I to VI thereto.

Notwithstanding point (c), the authorisations for E 1103 Invertase and E 1105 Lysozyme laid down in Directive 95/2/EC shall be repealed with effect from the date of application of the Community list on food enzymes in accordance with Article 17 of Regulation (EC) No 1332/2008 [on food enzymes].

Article 35

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 20 January 2010.

However, Article 4(2) shall apply to Parts 2, 3 and 5 of Annex III from 1 January 2011 and Article 23(4) shall apply from 20 January 2011. Article 24 shall apply from 20 July 2010. Article 31 shall apply from 20 January 2009.