Notification Number: 2018/383/F

Decree amending Decree No 2011-509 of 10 May 2011 laying down the conditions under which processing aids may be authorised and used in the manufacture of foodstuffs for human consumption.

Date received	:	26/07/2018
End of Standstill	:	29/10/2018
Issue of comments by	:	Commission

Message

Message 002

Communication from the Commission - TRIS/(2018) 02093
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2018/0383/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201802093.EN)

1. Structured Information Line
MSG 002 IND 2018 0383 F EN 26-07-2018 F NOTIF

2. Member State
F

3. Department Responsible
Direction générale des entreprises – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703 PARIS Cedex 13
d9834.france@finances.gouv.fr
tél : 01 44 97 24 55

3. Originating Department

Ministère de l'économie et des finances
Direction générale de la concurrence, de la
Consommation et de la répression des fraudes
59, boulevard Vincent Auriol – Télédoc 223
75703 Paris Cédex 13

Courriel : bureau-4B@dgccrf.finances.gouv.fr
Tél : 01 44 97 29 60
Fax 01 44 97 30 37

4. Notification Number
2018/0383/F - C50A

5. Title
Decree amending Decree No 2011-509 of 10 May 2011 laying down the conditions under which processing aids may be authorised and used in the manufacture of foodstuffs for human consumption.

6. Products Concerned
Use of processing aids in certain foodstuffs

7. Notification Under Another Act
-

8. Main Content
The draft amends Decree No 2011-509 of 10 May 2011 laying down the conditions under which processing aids may be authorised and used in the manufacture of foodstuffs for human consumption.
The aim is to relax French regulations regarding the authorisation conditions for the use of processing aids in certain foodstuffs.
The draft takes into account comments made by industry professionals and contains adjustments which have been deemed necessary following a period of practical application.

9. Brief Statement of Grounds
By way of reminder, a Judgment was handed down to France by the CJEU stating that the national measure applicable to processing aids was disproportionate, as it would mean that all processing aids were subject to prior authorisation for use. The national measure was consequently relaxed in 2011 in order to limit the authorisation procedure's scope to processing aids posing a specific risk – namely biocidal products, anti-foaming agents, extraction solvents and enzymes - which were identified by the French National Agency for Food, Environmental and Occupational Health & Safety (Anses) on the basis of a review of the assessments it carried out in relation to the original measure. The limited scope also includes processing agents with certain dangerous properties, such as agents corresponding to substances which are classified or classifiable as carcinogenic, mutagenic, neurotoxic, immunotoxic or toxic to reproduction.
Under this measure, substances which do not fall within these categories can be used by operators at their own responsibility and provided they ensure that the use in question has been declared to the Directorate-General for Competition Policy, Consumer Affairs and Fraud Control. This simplification of the measure resulted in the transfer of 53 % of the substances authorised on the basis of the 2011 decree to the declaration provision.
The draft decree aims to simplify the measure further by limiting the constraints on operators to those which are

strictly necessary, while controlling the risks to consumers.
It also clarifies the categories of processing aids which are subject to prior authorisation for use following an opinion from Anses (Annex 2).
The term 'chemically reactive or oxidising substances' is removed and replaced by:
- on the one hand, biocidal substances used for purposes other than decontamination and decontamination agents which are otherwise covered by the measure;
- on the other hand, peeling/skinning, plucking and depilation agents with a risk level which, according to Anses, justifies keeping the procedure in place.
For dangerous substances, the authorisation procedure will be limited to substances classified under the following categories in the CLP regulation: substances which are carcinogenic, mutagenic, toxic for reproduction and with a specific toxicity - repeated exposure, categories 1 and 2.
The draft decree exempts the following from the authorisation procedure:
- on the one hand, processing aids corresponding to substances which are otherwise authorised in foodstuffs as food additives,
- on the other hand, substances for which the Joint Expert Committee on Food Additives (JECFA), the European Food Safety Authority (EFSA) or competent authorities in the Member States carrying out tasks equivalent to those of EFSA would issue an acceptable daily intake (ADI), while consolidating the information which is to be communicated by operators when they are declaring the use of the substances in question in order to enable consumer exposure to be monitored.
In order to make the reasoning behind the amendments easier to understand, the draft is accompanied by a consolidated version of the decree which includes the proposed improvements.

10. Reference Documents - Basic Texts
Reference(s) to basic text(s): Articles 2 and 3 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives
Decree No 2011-509 of 10 May 2011 laying down the conditions under which processing aids may be authorised and used in the manufacture of foodstuffs for human consumption

11. Invocation of the Emergency Procedure
No

12. Grounds for the Emergency
-

13. Confidentiality
No

14. Fiscal measures
No

15. Impact assessment
-

16. TBT and SPS aspects
TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

Yes

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European Commission

Contact point Directive (EU) 2015/1535
Fax: +32 229 98043
email: grow-dir2015-1535-central@ec.europa.eu