

# Technical update on European Union food regulations

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# Additives





# Titanium dioxide ban & new definition of nanomaterial

- Only additives included in the Community list set out in Regulation (EC) 1333/2008 may be placed on the EU market as such and used in foods. The list is regularly updated with new additives being added and sometimes existing additives being removed
- In May 2021, the European Food Safety Authority (EFSA) published an opinion that stated that titanium dioxide can **no longer be considered safe** when used as a food additive
- Based on this opinion, the European Commission and the Member States agreed to remove all uses of titanium dioxide as an additive in food
- The Regulation banning titanium dioxide was published in January 2022 and entered into force on 7 February 2022. The Regulation includes a six-month transitional period to allow food businesses time to phase out the use of this food additive. This period ended on **7 August 2022**
- The EU also published [Commission Recommendation](#) of 10 June 2022 on the definition of nanomaterial and this replaces the definition published in 2011. It retains the principal features of the old definition and it will not significantly alter determinations already made. Guidance on the implementation of definition of nanomaterial will be available sometime autumn 2022

## New EU Regulations on additives (last 12 months)

Additive	Category	Link
Titanium dioxide	Banned in all categories	<a href="#"><u>Commission Regulation (EU) 2022/63</u></a>
Sodium/Potassium carbonate	Cephalopods	<a href="#"><u>Commission Regulation (EU) 2022/141</u></a>
Oat lecithin	Chocolate	<a href="#"><u>Commission Regulation (EU) 2022/1023</u></a>
Glycolipids	Beverages	<a href="#"><u>Commission Regulation (EU) 2022/1037</u></a>
Polyvinylpyrrolidone	Medical foods	<a href="#"><u>Commission Regulation (EU) 2022/1038</u></a>

# Contaminants





# Maximum levels for opium alkaloids and delta-9-tetrahydrocannabinol set for the first time

The overarching rules on contaminants in food for the EU can be found in [Council Regulation 315/93/EEC](#). The basic principles are;

- Food containing a contaminant at an amount unacceptable from the public health viewpoint and in particular at a toxicological level, shall not be placed on the market
- Contaminant levels shall be kept as low as can reasonably be achieved following recommended good working practices

These basic principles are supplemented by a set of maximum levels for certain contaminants in specific foods which are set down in [Commission Regulation \(EC\) No 1881/2006](#)

In the last 12 months maximum levels have been established for opium alkaloids in poppy seed and poppy seed breads and for delta-9-tetrahydrocannabinol in hemp seed. These limits were added to 1881/2006

The opium alkaloid limits came into force on 1 July 2022 whilst the limits for delta-9-tetrahydrocannabinol will apply from 1 January 2023

The food categories covered by limits for hydrocyanic acid and ochratoxin A have been expanded

## New EU Regulations on contaminants (last 12 months)

Additive	Category	Link
Opium alkaloids	Poppy seeds	<a href="#"><u>Commission Regulation (EU) 2021/2142</u></a>
Mercury	Fish & salt	<a href="#"><u>Commission Regulation (EU) 2022/617</u></a>
Hydrocyanic acid	linseed, almonds and cassava	<a href="#"><u>Commission Regulation (EU) 2022/1364</u></a>
Ochratoxin A	dried fruit, liquorice, dried herbs, herbal infusions, oilseeds, pistachios and cocoa powder	<a href="#"><u>Commission Regulation (EU) 2022/1370</u></a>
Delta-9-tetrahydrocannabinol	Hemp seed	<a href="#"><u>Commission Regulation (EU) 2022/1393</u></a>



## Novel foods





# New insect food sources and protein extracts authorised in the EU

- Under the EU's Novel Food framework, food that had not been consumed to a significant degree by humans in the EU before 15 May 1997 is considered to be novel and requires authorisation before it can be sold as food or used as an ingredient in food
- Novel food applications can be a long and expensive process. They require a positive safety assessment by EFSA and political agreement in the form of an EU Regulation
- In the last 12 months we have seen new approvals for insect sources - locust, cricket and mealworm – also cascara (the dried skins and pulp of the coffee cherry once the bean has been removed) and mung bean protein
- The mung bean protein approval precedent is particularly important if you are interested in using vegan protein extracts

# New novel food authorisations (last 12 months)

Miracle fruit ( <i>Synsepalum dulcificum</i> )	<a href="#">Commission Implementing Regulation (EU) 2021/1974</a>
Locust powder	<a href="#">Commission Implementing Regulation (EU) 2021/1975</a>
3-Fucosyllactose	<a href="#">Commission Implementing Regulation (EU) 2021/2029</a>
UV-treated mushroom powder containing vitamin D2	<a href="#">Commission Implementing Regulation (EU) 2021/2079</a>
calcium fructoborate	<a href="#">Commission Implementing Regulation (EU) 2021/2129</a>
<i>Wolffia arrhiza</i> / <i>Wolffia globosa</i>	<a href="#">Commission Implementing Regulation (EU) 2021/2191</a>
Cascara - coffee cherry pulp	<a href="#">Commission Implementing Regulation (EU) 2022/47</a>
Pasteurised <i>Akkermansia muciniphila</i>	<a href="#">Commission Implementing Regulation (EU) 2022/168</a>

yellow mealworm ( <i>Tenebrio molitor</i> larva)	<a href="#">Commission Implementing Regulation (EU) 2022/169</a>
cetylated fatty acids preparation	<a href="#">Commission Implementing Regulation (EU) 2022/187</a>
<i>Acheta domesticus</i> (house cricket)	<a href="#">Commission Implementing Regulation (EU) 2022/188</a>
mung bean protein from <i>Vigna radiata</i>	<a href="#">Commission Implementing Regulation (EU) 2022/673</a>
Tetrahydrocurcuminoids	<a href="#">Commission Implementing Regulation (EU) 2022/961</a>
kernels from edible <i>Jatropha curcas</i> L.	<a href="#">Commission Implementing Regulation (EU) 2022/965</a>
iron hydroxide adipate tartrate (nano)	<a href="#">Commission Implementing Regulation (EU) 2022/1373</a>

# Health claims



# Fate of health claim applications

The fate of various health claim applications were resolved in the last 12 months. All were rejected

- Claims that a food or ingredient provides a health benefit must be reviewed and approved before they can be used in the EU
- Health applications can be a long and expensive process. They require a positive safety assessment by EFSA and political agreement. The failure rate is high
- 8 health claim applications were resolved over the last 12 months in areas including weight loss, immune support, blood pressure and lactose digestion – all were rejected

## Plans for nutrient profiles due by the end of the year

- After a delay of over a decade the EU has revived its plans for nutrient profiles
- Profiles were a key part of the Nutrition & Health Claims Regulation and were supposed to be finalised in 2009
- Profiles are nutrient criteria and thresholds that help identify less healthy foods. They impact the promotion of food by preventing or restricting the use of nutrition and health claims on foods that do not meet the profile requirements. So, for example, a food that it is high in sugar could not claim to be ‘high in calcium for healthy bones’ even if it is rich in calcium
- The idea is to stop less healthy foods benefiting from the ‘health halo’ created by using nutrition and health claims
- The Commission will set out its plans before the end of 2022

## New health claim authorisations (last 12 months)

Food ingredient	Claim	Link
Nutrimune (milk fermented with <i>Lactobacillus paracasei</i> )	supports the immune system in defence against pathogens in the upper respiratory and gastrointestinal tract of young children - REJECTED	<a href="#">Commission Regulation (EU) 2022/709 of 06/05/2022</a>
Anxiofit ( <i>Echinacea angustifolia</i> root extract)	ameliorate subthreshold and mild anxiety - REJECTED	<a href="#">Commission Regulation (EU) 2022/710 of 06/05/2022</a>
GlycoLite (white kidney bean extract)	helps to reduce body weight - REJECTED	<a href="#">Commission Regulation (EU) 2022/711 of 06/05/2022</a>
Lozenges with two <i>Lactobacillus reuteri</i> strains	supports normal gum function - REJECTED	<a href="#">Commission Regulation (EU) 2022/711 of 06/05/2022</a>
<i>Bifidobacterium animalis</i>	improvement of lactose digestion in individuals who have difficulty digesting lactose - REJECTED	<a href="#">Commission Regulation (EU) 2022/719 of 10/05/2022</a>
Coffee C21 (blend of pure Arabica roast coffees)	maintenance of DNA integrity in cells of the body - REJECTED	<a href="#">Commission Regulation (EU) 2022/719 of 10/05/2022</a>
MenaQ7 (vitamin K2 as menaquinone-7)	improves arterial stiffness - REJECTED	<a href="#">Commission Regulation (EU) 2022/719 of 10/05/2022</a>
Symbiosal (sea salt + chitosan)	Lowers blood pressure - REJECTED	<a href="#">Commission Regulation (EU) 2022/727 of 11/05/2022</a>

# Labelling

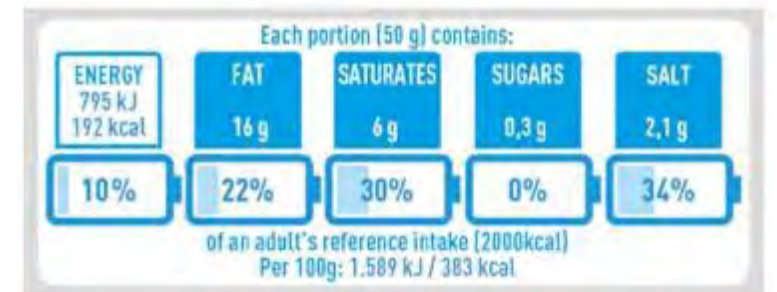




# Improving food labelling to support healthy choices



- The European Commission's Action Plan on Childhood Obesity identifies a number of action areas to target in the fight against obesity. One of these is improving food labelling to 'make the healthy option the easier option'
- Harmonised front of pack nutritional labelling is a Farm to Fork commitment – proposal due end 2022. Nutri-score is a strongly-backed by many MS others favour their 'Nutrinform Battery' system
- In April EFSA produced new scientific advice for the Commission to inform the Commission's plans for FOPNL. It concluded that intakes of saturated fat, sodium and added sugars are above recommended levels, whilst intakes of fibre and potassium were below current dietary recommendations
- EFSA did not recommend any specific FOPNL scheme



# Pesticides



# Pesticide reduction targets – EU Farm to Fork Strategy



**The use of pesticides in agriculture** contributes to pollution of soil, water and air. The Commission will take actions to:

- ✓ **reduce by 50%** the use and risk of chemical pesticides by 2030.
- ✓ **reduce by 50%** the use of more hazardous pesticides by 2030.

The EU F2F strategy was published in May 2020. The strategy includes challenging targets to reduce pesticide usage in the EU

Delivery of these reductions will be achieved through:

- Revision the sustainable use of pesticides directive (SUD)
- Enhancing provisions on integrated pest management
- Promoting greater use of safe alternative ways to protect harvests from pests and diseases



# New Regulation on the Sustainable Use of Plant Protection Products

The proposed new Regulation on the Sustainable Use of Plant Protection Products was published in July. The main measures include:

- **Legally binding targets at EU level** to reduce by 50% the use and the risk of chemical pesticides as well as the use of the more hazardous pesticides by 2030. Member States will set their own national reduction targets within defined parameters to ensure that the EU wide targets are achieved
- **Environmentally friendly pest control:** New measures will ensure that all farmers practice Integrated Pest Management (IPM). This is an environmentally friendly system of pest control which focuses on pest prevention and prioritises alternative pest control methods, with chemical pesticides only used as a last resort
- **A ban on all pesticides in sensitive areas:** The use of all pesticides is prohibited in places such as public parks or gardens, playgrounds, recreation or sports grounds

The proposal transforms the existing Directive into a Regulation which will be directly binding and uniformly applicable to all Member States



# Legally binding pesticide targets at EU level

- There will be an overall legally binding target to reduce the use of chemical pesticides by 50% by 2030 as per the Farm to Fork strategy
- Member states will be able to set their own national reduction targets to reflect their use of pesticides and the specific challenges they face – but limits will be set on how countries can vary from the general target.
- Variations from the 50% target will have to be justified and this could be linked to the historical progress in reducing pesticides that countries have already made or to the intensity of the use of pesticides.
- Member states whose use of pesticides is more intensive will have to do more.
- The MS national target can never be less than 35%
- Member states will have to submit reports on annual progress in achieving their targets

# Packaging





# Review of the Packaging and Packaging Waste Directive

- A review of Review of the Packaging and Packaging Waste Directive is in progress
- The review will set out how to deliver the objective of the European Green Deal and the circular economy action plan (CEAP) to ensure that *“all packaging on the EU market is reusable or recyclable in an economically viable way by 2030”*
- It will build on the 2018 revision of the directive that set new recycling targets for packaging.
- Things that may be included in the review include:
  - Upgrading the Directive to a Regulation
  - Having recycled content targets for specific packaging formats
  - Measures to increase collection
  - Action to harmonise recycling logo information

The outcome (which was expected in July) has been postponed until the autumn

## Recycling targets for packaging

	By 2025	By 2030
All packaging	65%	70%
Plastic	50%	55%
Wood	25%	30%
Ferrous metals	70%	80%
Aluminium	50%	60%
Glass	70%	75%
Paper and cardboard	75%	85%

# A harmonised labelling system for the recycling of products?

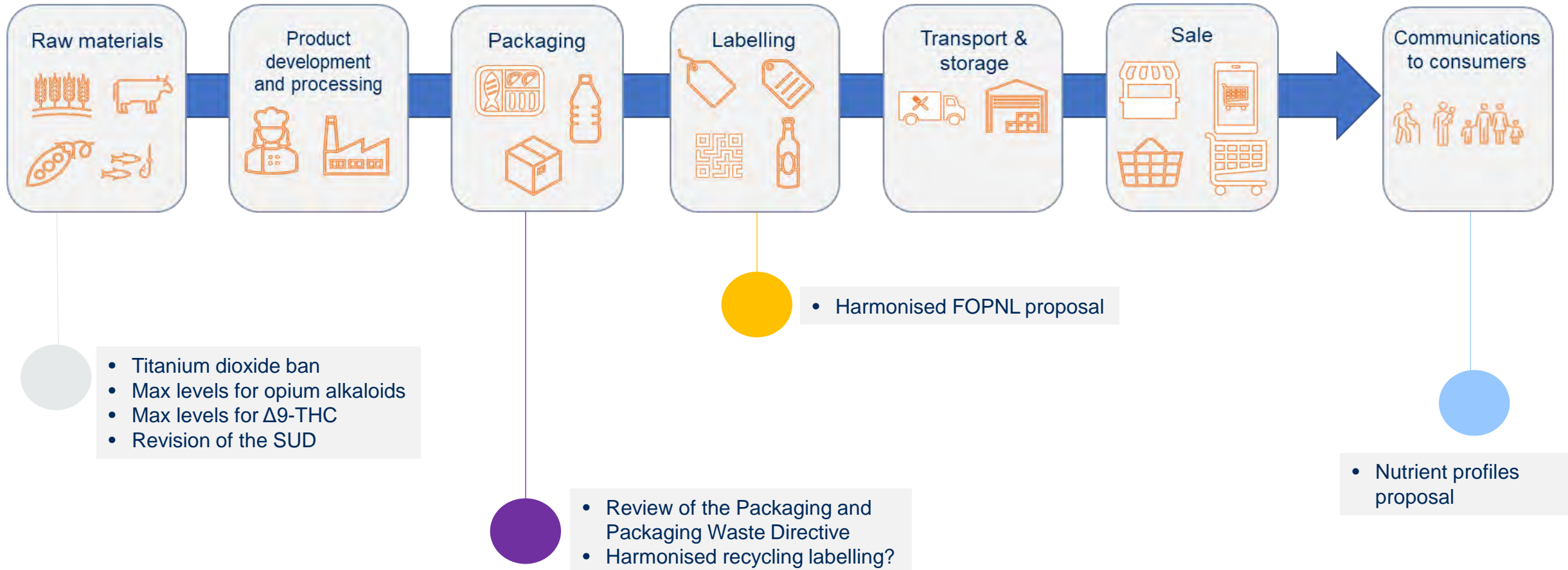


- In recent years a number of member states have introduced mandatory, national recycling logo systems (France, Italy, Bulgaria, Croatia and Latvia) to encourage more recycling
- In March 2021, members of the European Parliament requested the implementation of an EU harmonised labelling system for the recycling of products
- In June of the same year, several industry associations sent a joint letter to the European Commission asking it to harmonise the approach to packaging waste labelling among the EU Countries
- Industry also encouraged the EU to look at the possibility of providing such information by digital means
- The EU have said that the appropriateness of harmonised labelling and EU-definition of recyclability will be examined as part of the revision of the Packaging and Packaging Waste Directive





# Highlights



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