Commission Regulation (EU) 2019/891 of 28 May 2019 amending Annexes I and II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the functional class of 'stabilisers' and the use of ferrous lactate (E 585) on the mushroom Albatrellus ovinus as a food ingredient in Swedish liver pâtés (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/891

of 28 May 2019

amending Annexes I and II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the functional class of 'stabilisers' and the use of ferrous lactate (E 585) on the mushroom *Albatrellus ovinus* as a food ingredient in Swedish liver pâtés

(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 additives[(1)], and in particular Article 9(2) and Article 10(3) thereof,

Whereas:

(1) Regulation (EC) No 1333/2008 lays down rules on food additives, their functional classes and lays down the Union list of food additives.

(2) Annex I to Regulation (EC) No 1333/2008 lays down functional classes of food additives in foods and of food additives in food additives and food enzymes.

(3) Scientific progress and technological development has allowed better understanding of the technological function of the food additive ferrous lactate (E 585). When applied on the mushroom *Albatrellus ovinus*, ferrous lactate does not impart the colour on its own, nor does it amplify the existing colour of *Albatrellus ovinus*. It affects and changes the colour of *Albatrellus ovinus* (from white to dark) by reacting with certain tissue components of the mushroom such as polyphenols. This feature of ferrous lactate does not fall under the current functional class of 'stabilisers' nor any other functional class listed in Annex I to Regulation (EC) No 1333/2008. Therefore, the functional class of 'stabilisers' should be amended by removing the word 'existing' in order to cover the technological function of ferrous lactate (E 585) when applied on *Albatrellus ovinus*.

(4) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.

(5) The Union list of food additives may be updated in accordance with the common procedure referred to in Regulation (EC) No 1331/2008 of the European Parliament and of the Council[(2)], either on the initiative of the Commission or following an application.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/891. (See end of Document for details)*

(6) An application for the authorisation of the use of ferrous lactate (E 585) on the mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés was submitted on 25 October 2016 and was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.

(7) In Sweden, certain liver pâtés ('leverpastej') traditionally contain the mushroom *Albatrellus ovinus* as a food ingredient. Before added to liver pâtés, there is a technological need for the use of ferrous lactate (E 585) in the treatment of naturally white mushroom *Albatrellus ovinus* in order to obtain the desired dark colour.

(8) The Scientific Committee for Food had assessed the safety of use of ferrous lactate (E 585) on olives as acceptable[(3)]. Swedish liver pâtés contain only about 0,5 % mushrooms. Therefore, the additional exposure to ferrous lactate when added to the mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés would be negligible.

(9) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority ('The Authority') in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health.

(10) Since the authorisation of ferrous lactate (E 585) in the mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés constitutes an update of the Union list of food additives which is not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.

(11) Therefore, it is appropriate to authorise ferrous lactate (E 585) as a stabiliser for the mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés.

(12) Therefore, Annexes I and II to Regulation (EC) No 1333/2008 should be amended accordingly.

(13) 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

Annexes I and II to Regulation (EC) No 1333/2008 are 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2019/891. (See end of Document for details)*

Done at Brussels, 28 May 2019.

For the Commission

The President

Jean-Claude JUNCKER