

REGULATIONS

COMMISSION REGULATION (EU) 2022/1023

of 28 June 2022

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of oat lecithin in cocoa and chocolate products as covered by Directive 2000/36/EC of the European Parliament and of the Council

(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 Articles 10(3) and 14 thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.
- (2) Only food additives included in the Union list in Annex II to Regulation (EC) No 1333/2008 may be placed on the market as such and used in foods under the conditions of use specified therein.
- (3) Commission Regulation (EU) No 231/2012 ⁽³⁾ lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (4) The Union list and the specifications may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.
- (5) On 25 January 2018, an application was submitted for the authorisation of the use of oat lecithin as a food additive in the food category 5.1 'Cocoa and Chocolate products as covered by Directive 2000/36/EC' of the European Parliament and of the Council ⁽⁴⁾ in Part E of Annex II to Regulation (EC) No 1333/2008, at a maximum level of 20 000 mg/kg. The application was subsequently made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

⁽⁴⁾ Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption (OJ L 197, 3.8.2000, p. 19).

- (6) The European Food Safety Authority ('the Authority') evaluated the safety of oat lecithin as a food additive and, in its opinion ^(?) of 10 December 2019, it concluded that there is no safety concern for oat lecithin to be used as a food additive for the proposed use and use levels.
- (7) Oat lecithin is a fractionated oat oil, which acts as an emulsifier and facilitates the manufacturing of cocoa and chocolate products by reducing the viscosity and yield value of chocolate products. This allows molten chocolate to be pumped easily during processing. Furthermore, oat lecithin prevents fat bloom, a greyish haze, from developing on the surface of products during storage.
- (8) It is therefore appropriate to authorise the use of oat lecithin as an emulsifier in the food category 'cocoa and chocolate products as covered by Directive 2000/36/EC', at the maximum use level of 20 000 mg/kg, and to assign E 322a as E-number to that additive.
- (9) The specifications for oat lecithin (E 322a) should be included in Regulation (EU) No 231/2012, as it is included in the Union list of food additives laid down in Annex II to Regulation (EC) No 1333/2008 for the first time.
- (10) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended accordingly.
- (11) 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

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with Annex I to this Regulation.

Article 2

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.

Article 3

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.

Done at Brussels, 28 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

^(?) EFSA Journal 2020;18(1):5969.

ANNEX I

Annex II to Regulation (EC) No 1333/2008 is amended as follows:

- (1) in Part B, point 3 'Additives other than colours and sweeteners', the following new entry is inserted after the entry for food additive E 322:

E 322a	Oat lecithin'
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- (2) in Part E, in food category 5.1 'Cocoa and Chocolate products as covered by Directive 2000/36/EC', the following new entry for 'Oat lecithin' is inserted after the entry for E 322:

	E 322a	Oat lecithin	20 000'			
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ANNEX II

In the Annex to Regulation (EU) No 231/2012, the following entry is inserted after the entry for food additive E 322:

E 322a OAT LECITHIN**Synonyms**

Fractionated oat oil

Definition

Oat lecithin is a fractionated oat oil rich in polar lipids, mainly galactolipids. Oat lecithin is produced from food grade oat kernels that are sieved and extracted using ethanol at an elevated temperature to produce a crude lipid extract. This crude extract undergoes multistage evaporation and filtration, yielding crude oat oil, which is separated, evaporated and filtered to produce oat lecithin.

Einecs

Only ethanol may be used in the extraction as extraction solvent.

Assay

281-672-4

Not less than 30 % of polar lipids insoluble in acetone

Description

Yellowish-brown viscous liquid

Identification

Choline

Not more than 2 g/100 g

Phosphorous

Not less than 0,5 %

Polar lipids

Not less than 35 % w/w

Neutral lipids

55–65 % w/w

Saturated

17–20 % w/w

Monounsaturated

38–42 % w/w

Polyunsaturated

38–42 % w/w

Purity

Loss of drying

Not more than 2 %

Toluene-insoluble matter

Not more than 1 % w/w

Acid value

Not more than 30 mg KOH/g

Peroxide value

less than 10 meq O₂/kg fat

Solvent residues

Ethanol: not more than 300 mg/kg

Arsenic

Not more than 0,1 mg/kg

Lead

Not more than 0,05 mg/kg

Mercury

Not more than 0,02 mg/kg

Cadmium

Not more than 0,05 mg/kg

Microbiological criteria

Aerobic plate count

Not more than 1 000 CFU/g

Yeast

Not more than 100 CFU/g

Moulds

Not more than 100 CFU/g

Enterobacteriaceae

Not more than 10 CFU/g

Aerobic spores

Not more than 1 CFU/g

Other

Gluten

Not more than 20 mg/kg'