

This opinion is that of the Standing Committee on Plants, Animals, Food and Feed and has not been adopted or endorsed by the European Commission. The views may not in any circumstances be regarded as stating an official position of the Commission. This opinion is intended to assist national authorities in the application of Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

**OPINION OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED TO
ACHIEVE A HARMONISED IMPLEMENTATION OF THE EU LEGISLATION**

Subject: Use of plant extracts rich in constituents capable of performing a technological function

The Standing Committee issued the statements on “spinach extract containing high levels of nitrate used in sausages” in 2006¹ and on “the use of fermented vegetable broth, enriched with nitrite” in 2010².

Based on the Member States’ request the use of plant extracts³ rich in constituents capable of performing a technological function or rich in their precursors (converted to active constituents before or after addition to the food, e.g. by microorganisms) was discussed at the meeting of the Working party of Governmental Experts on Additives on 21-22 June 2018. The Commission have been made aware by the Member States of industry practices which add plant extracts to food primarily for food additive functions but erroneously claimed not to be food additives.

Consequently, on 17 September 2018 the Standing Committee reached the following outcome:

1. The validity of the statements of 2006 and 2010 was reconfirmed.
2. The scope of both statements shall not be limited only to (fermented/non-fermented) extracts containing high levels of nitrate/ nitrite but it shall be generally applicable to all plant extracts which when added to foods achieve a level of constituents (or their precursors) capable of performing a technological function in foods.
3. Such use of extracts that delivers a technological function (e.g. preservative, antioxidant, stabiliser (colour stabiliser) etc.) in foods to which they are added is deemed a deliberate use as a food additive.

¹ Standing Committee on the Food Chain and Animal Health, 14 December 2006, https://ec.europa.eu/food/sites/food/files/safety/docs/reg-com_toxic_summary23_en.pdf

² Standing Committee on the Food Chain and Animal Health, 19 May 2010, https://ec.europa.eu/food/sites/food/files/safety/docs/reg-com_toxic_summary19052010_en.pdf

³ Also referred to as vegetable/spice/fruit extracts/concentrates/mixtures or incorrectly referred to as flavourings.

4. Consequently, such use is deemed to meet the definition of a food additive and so it shall comply with the conditions set out in the food additive legislation (including relevant specifications) and be labelled in accordance with the appropriate provisions for labelling of food additives.

5. A number of plant extracts can perform both flavouring and additive functions. When flavourings have a technological function as food additives, the food additive legislation shall apply. In this case the extracts cannot be claimed to be used as flavourings.