

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 ‘spray refrigerants’ on chocolate and sugary foods

‘Spray refrigerants’ are products composed of butane (E 943a), isobutane (E 943b) and propane (E 944). They are intended for use as ‘refrigerants’ for chocolate and sugary foods on which they are directly applied. They shall be used for food production purposes only and according to the instructions provided by the manufacturers.

Based on the Member State’s request the question whether such products, i.e. mixtures of butane (E 943a), isobutane (E 943b) and propane (E 944) when used as refrigerants for foodstuffs, shall be considered as a processing aid or a food additive was discussed at the meeting of the Working party of Governmental Experts on Additives on 21 – 22 June 2018.

On 8 February 2019 the Standing Committee endorsed unanimously the following:

‘Spray refrigerants’ are intended for professional use only and it is not recommended for use by the final consumer.

Products composed of butane (E 943a), isobutane (E 943b) and propane (E 944) when used as a refrigerant for foodstuffs such as chocolate can be considered as a processing aid provided that they correspond to the definition of ‘processing aid’ set out in Regulation (EC) No 1333/2008, and notably that

1. It is demonstrated that the use according to the manufacturers’ instructions does not result in presence of butane (E 943a), isobutane (E 943b) and propane (E 944) in the final product, in line with Article 3(2)(b)(iii).
2. ‘Spray refrigerants’ do not contain any other ingredients which could become a component of the final foods.