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: **Categorisation of 'macaron' in the food category system of Annex II to Regulation (EC) No 1333/2008**

A macaron (macaroon) has typically a round shape and its surface is smooth or cracked. The macaron is typically made with almonds, sugar and egg whites. The macaron may also be placed on the market with a filling akin to a "sandwich form" where two macarons are connected with such filling.

Based on the Member States' request, the appropriate categorisation of macaron and the possible filling in the food category system of Annex II to Regulation (EC) No 1333/2008 was discussed at the Working party of Governmental Experts on Additives on 6 September 2018.

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

1. A macaron without filling shall fall within the food category '*07.2 Fine bakery ware*' and food additives may be used under the conditions set out by Regulation (EC) No 1333/2008 for this category.

2. If a macaron is placed on the market with a filling akin to a "sandwich form", it shall be considered as a compound food. The filling shall fall within the appropriate category, such as, for example the food category '*05.4 Decorations, coatings and fillings, except fruit based fillings covered by category 4.2.4*' Food additives may be used under the conditions set out by Regulation (EC) No 1333/2008 for the appropriate category.