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EFSA/FIP/277

Scientific Panel on Food Additives and Nutrient Sources added to Food (ANS)

Minutes of the 49th plenary meeting

Held on 4-6 February 2014, Parma, Italy

(Agreed on 3 April 2014)

Participants

- **Panel Members**:
  - Fernando Aguilar, Riccardo Crebelli, Birgit Dusemund, Pierre Galtier, David Gott (Vice-Chair), Ursula Gundert-Remy, Claude Lambré (Vice-Chair), Jean-Charles Leblanc, Alicja Mortensen (Chair), Agneta Oskarsson, Dominique Parent-Massin, Martin Rose, Ivan Stankovic, Paul Tobback, Ruud Woutersen, Matthew Wright
- **European Commission:**
  - Wim Debeuckelaere[1], Marina Marini[2] (DG Sanco E3)
- **EFSA:**
  - Food Ingredients and Packaging (FIP) Unit: Anna Christodoulidou, Paolo Colombo, Claudia Heppner, Georges Kass, Ana Rincon, Camilla Smeraldi, Alexandra Tard and Stavroula Tasiopoulou
  - Evidence Management Unit (DATA): Eniko Varga[2], Petra Gergelova
  - Legal and Regulatory Affairs: Pintado Citlali
  - Communications: Stephen Pagani

- **Observers[3]:**

1. Mr. Petr Mensik, Federation of European Specialty Food Ingredients (ELC), Belgium ;
2. Dr. Alessandra de Felice, University of Milano, Italy; participated on 4 February only;
3. Dr. Adriana Galvani, University of Bologna, Italy;
4. Mr. Francis Thevenet, Association for International Promotion of Gums (AIPG), Germany;

[1] Participated only on 4 and 5 February 2014
[2] Participated only on 6 February 2014
[3] http://www.efsa.europa.eu/en/stakeholders/docs/observersguidelines.pdf

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5. Mr. Olivier Bove, International Association for the Development of Natural Gums (AIDGUM);
6. Dr. Emanuele Sangiorgi, Istituto Zooprofilattico Sperimentale, Regione Lombardia, Emilia Romagna - Italy; participated on 4 and 5 February only;
7. Dr. Simonetta Menotta, Istituto Zooprofilattico Sperimentale, Regione Lombardia, Emilia Romagna - Italy; participated on 4 and 5 February only;
8. Dr. Donald Prater – FDA Liaison Officer to EFSA, US Food and Drug Administration Europe Office, Belgium; participated on 5 February only;
9. Ms. Berit Reimann, freelance for EU Food Policy, Italy; participated on 4 and 5 February only.

Apologies were received from Lucia Decastelli and Manila Bianchi from Istituto Zooprofilattico Sperimentale Regione Piemonte, Liguria e Valle d'Aosta – Italy.

1. Welcome and apologies for absence

The Chair of the ANS Panel welcomed all participants. Apologies for absence were received from Juergen Koenig, Pasquale Mosesso and Ine Waalkens-Berendsen.

2. Brief introduction of Panel members and Observers

A short introduction of the Panel members, the Observers participating in the open plenary meeting and EFSA scientific staff took place.

3. Adoption of agenda

The draft agenda was adopted without any modifications. The observers participating to the 49th ANS open panel meeting were reminded that agenda item 8.4 Steviol-glycosides (E960) is not an open agenda item as business confidential information will be discussed.

4. Declarations of interest

In accordance with EFSA's Policy on Independence and Scientific Decision-Making Processes[4] and the Decision of the Executive Director implementing this Policy regarding Declarations of Interests[5], EFSA screened the Annual Declaration of interest and the Specific Declaration of interest filled in by the experts invited for the present meeting. No conflicts of interests related to the issues discussed in this meeting have been identified during the screening process or at the Oral Declaration of interest at the beginning of this meeting.

5. Presentation of the *'Guidelines for observers'*

The Head of FIP Unit briefly presented the 'Guidelines for observers' to the meeting participants.

6. Agreement of the minutes of the 48th ANS Plenary meeting held on 3-5 12 2013

The members of the ANS Panel discussed and agreed the draft minutes of the 48th plenary meeting. The minutes will be available on the Authority's webpage.[6]

[4] http://www.efsa.europa.eu/en/keydocs/docs/independencepolicy.pdf
[5] http://www.efsa.europa.eu/en/keydocs/docs/independencerules.pdf
[6] http://www.efsa.europa.eu/en/events/event/131203a.htm

7. Report on written procedures since 48th Plenary meeting

No outputs were adopted by written procedure since the previous meeting.

8. Scientific outputs submitted for discussion and possible adoption

The Chair of the ANS Panel expressed her appreciation for the work on the scientific outputs discussed at this meeting to the Working Groups (WG) A and B on Food additives and nutrient sources, Exposure Assessment, and to the EFSA staff members involved in each Working Group.

8.1. Polyoxyethylene sorbitans (E432-436); (EFSA-Q-2011-00523, EFSA-Q-2011-00524, EFSA-Q-2011-00525, EFSA-Q-2011-00526, EFSA-Q-2011-00527 and EFSA-Q-2012-00740)

In the absence of the Rapporteur the Chair of the WG B on Food Additives and Nutrient Sources briefly introduced the draft document to the ANS Panel.

The following sections are then discussed: “Discussion”, “Introduction”, and “Technical data” (with exception to the points referring to use levels and exposure).

Some discussions focused on the relevance and limitations of sub-chronic, chronic and carcinogenicity studies. The outcome is that the Panel considers more relevant to identify the no-observed-adverse-effect-level (NOAEL) from an overall evaluation of long term studies. With this approach the NOAEL was identified at 5% of sorbitans in the diet (corresponding to 2600 mg/kg bw/day).

The revised draft opinion will be re-discussed within the WG B as soon as the exposure section is available, since a refinement is needed to obtain an accurate scenario. Data coming from the evaluation of sorbic acid and sorbates (E200-203), currently under evaluation within WG A, will be also taken into consideration.

8.2. Sunset yellow (E110); (EFSA-Q-2013-00248) – Approach discussion

In the absence of the Rapporteur for this scientific output, the Chair of the WG B on Food Additives and Nutrient Sources presented the status of the assessment and the proposed approach to the ANS Panel.

Sunset Yellow FCF (E 110) was last re-evaluated by the ANS Panel in 2009 when the previously set acceptable daily intake (ADI) of 2.5 mg/kg bw/day was lowered to 1 mg/kg bw/day and made temporary. To clarify some effects observed on the testis the Panel recommended a 28-day rat study to be performed. In addition, a refined assessment of exposure was also requested to be performed, and to this end the food colour has been included in a call for data (on uses and use levels data) which closed on 30 November 2013, collecting a huge amount of data. During the evaluation of the newly submitted data from the requested 28-day study, the WG B on Food Additives and Nutrient Sources became aware of a more recent evaluation from the Joint Expert Committee of Food Additives (JECFA) which, in 2011, set a new ADI of 4 mg/kg bw/day.
The Panel agreed with the approach proposed by the WG B on Food Additives and Nutrient Sources to consider all the available data and the latest evaluation performed by JECFA for the setting of an ADI for this food colour, and not only the data from the recent 28-day study.

The Panel decided to work on a revised opinion taking into consideration all the available data, including an extensive and updated literature search covering the time span since the latest re-evaluation by the ANS Panel. Taking into account the additional work to be

completed alongside the time needed to finalise the revised exposure assessment, an extension of the current deadline will be sought from the European Commission.

8.3. Propyl gallate (E310) (EFSA-Q-2011-00479)

The Rapporteur briefly introduced the draft opinion to the ANS Panel members summarizing the key aspects. The following sections are then specifically examined by the Panel members: "Discussion" and "Conclusions". Some aspects of genotoxicity, long-term and reproductive studies, uncertainty factor (UF) to be applied, definition and rounding of ADI and potential anti-estrogenic activity have been discussed and clarified. The Panel agreed on the fact that the group ADI for gallates should be withdrawn and that a separate ADI should be identified for octyl (E311) and dodecyl (E312) gallates. Since the exposure assessment is still ongoing, "Discussion" section will be updated accordingly and "Conclusions" will be consequently discussed at the next WG B meeting and possibly finalized at the next plenary of the Panel.

8.4. Steviol-glycosides (E960); (EFSA-Q-2013-00433)

EFSA has been requested for an opinion concerning additional use of steviol glycosides (E960) as a food additive. The Chair of WG on Exposure Assessment presented the data and the possible outcome of the evaluation. The assessment of exposure based on maximum permitted levels (MPLs) from the current legislation and consumption data from EFSA Comprehensive database showed an estimate to be decreased up to a factor of 4 in comparison to the previous one (EFSA statement 2011). In addition considering the proposed extension of uses similar exposure estimates have been obtained, showing a negligible impact for the new proposed uses. It has been suggested to include a numerical value for table-top sweeteners rather than the *quantum satis* (QS) definition. Even if a decrease in exposure estimates has been noted, ADI is still slightly exceeded in higher exposure ranges for toddlers population group. The Panel agreed on the proposed approach and the opinion will be finalised at the next Panel meeting.

9. New Mandates

The ANS Panel members were informed that two requests related to safety assessments of food additives [proposed amendment of the specifications of steviol glycosides (E960) (EFSA-Q-2014-00002) and change in the production method for the production of glutamic acid and its salts (E620-652) (EFSA-Q-2014-00061)] are under completeness check by Application Desk (APDESK) Unit, this means that the registration is not yet completed. It has been anticipated that in case these applications are accepted, the ANS WG Chemistry and ANS WG Food additives and nutrient sources B will be tasked to prepare the draft opinions.

10. Feedback from the Scientific Committee/the Scientific Panel, Working Groups, EFSA, the European Commission

10.1. Scientific Committee and other Scientific Panel(s)

Since last Panel meeting of December a meeting of the Scientific Committee was held in Parma on 17 December. The following topics were briefly mentioned:

Genotoxicity overarching group will be created to address common issues related to genotoxicity, ensure additional expertise as needed and harmonization across Panels.

Opinion on QPS (qualified presumption of safety) approach for the safety assessment of botanicals and botanical preparations has been adopted by the Scientific Committee. A structured assessment scheme has been developed and it represents a considerable advancement in the development of a comprehensive methodology.

Timetable for additional studies to be provided further to Authority's request is now available. To be used by Panels as appropriate.

Since in the WG on uncertainties in risk assessment no experts from ANS Panel are currently included, it has been suggested to propose a representative. Two experts declared their interest and availability to represent ANS Panel.

10.2. Working groups

10.2.1. Working Group on Food Additives and nutrient sources A

The Chair of the WG A informed the Panel members that a physical meeting took place on 20-22 January 2014 in Parma, while a teleconference was held on 17 December 2013. The opinion on gaseous chlorine dioxide was discussed by teleconference where the workprogramme 2014 was also presented. At the next meeting in Parma in January the following food additives were discussed: gaseous chlorine dioxide, indigo carmine (E132), xanthan gum (E415), lecithins (E322), iron oxides and hydroxides (E172) and the "decision tree on the risk assessment of food additives re-evaluated under Regulation (EU) 257/2010".

10.2.2. Working Group on Food Additives and nutrient sources B

The Chair of the WG B informed the Panel members that a physical meeting took place on 21-23 January 2014 in Parma, while a teleconference was held on 13 December 2013. Dimethyl dicarbonate (E242), β-apo-carotenal (E160e) and the "decision tree on the risk assessment of food additives re-evaluated under Regulation (EU) 257/2010" were discussed. In January meeting the following food additives were discussed: sunset yellow (E110), propyl gallate (E310), 4-hexylresorcinol (E586), ascorbic acid and ascorbates (E300-302), tocopherols (E306-309), hexamethylene tetramine (E239) and dimethyl dicarbonate (E242).

10.2.3. Working Group on Exposure Assessment

The Panel was informed that a meeting of the WG Exposure Assessment was held on 27 January 2014 by teleconference. EFSA statements related to brown HT (E155) and curcumin (E100) were discussed. In addition the opinion on steviol glycosides (E960) was also evaluated. The tentative work programme for the next months and the way of working were also discussed.

10.2.4. Working Group on Isoflavones

The first two meetings of this new working group have taken place, still with limited capacity. The discussion has so far focussed on defining the methodological approach to be followed for this risk assessment, in line with the overall strategy which is being developed by the AMU (assessment and methodological support) Unit for EFSA. The approach will be presented to the Panel as soon as it will be defined.

10.2.5. Scientific Committee Working Groups of interest to the ANS Panel

10.3. EFSA

10.3.1. General matters

The Head of the FIP Unit informed the members of the ANS Panel on the following matters:

- The Management Board during its 59th meeting (19 December 2013) congratulated the Panel for the excellent 2013 delivery
- The multiannual programme (2014-2016) was presented
- Draft-Workprogramme of the ANS Panel for 2014 was presented
- The Panel received un update on the progress of ANS/CEF Panel renewal (2014-2017)
- EFSA scientific staff informed the Panel on the aspartame opinion discussion at EU Parliament and UK House of Lords (10 December 2013)

A document on harmonized timeline ("Indicative timelines for submitting additional or supplementary information to EFSA during the risk assessment process of regulated products") for additional studies to be provided further to EFSA's request has been published. Further communication on the implementation will follow.

FIP staff will be changed further to assignment of Alina Lupu to EC in Luxembourg, Elisaveth Thessalonikeos national expert from Greece is now back home after 2 years of assignment at EFSA; Silvia Moretti trainee in Flavourings will leave EFSA. George Kass, deputy head of FIP Unit, has been appointed as new Team Leader for food contact materials (FCM).

10.3.2. Feedback on concentration and usage level data food additives (Re-evaluation programme)

Scientific staff from Evidence Management Unit (DATA) informed the members of the ANS Panel on the results obtained further to the calls for data on uses and use levels launched during 2013 and characterised by September (extended from July due to stakeholders' request) and November deadlines. They were judged to be rather successful in terms of the number of entries collected, although the majority of data are analytical ones from Member States rather than use levels reported by industries. Tables with actual figures were shown and briefly commented upon, the specific example of sunset yellow was also discussed. The huge amount of data collected will require a significant effort for cleaning and checking of food categorisation.

10.4. European Commission

The representative of the European Commission reported on the following

- Total of 18 authorisations released by the European Commission (EC) in 2013
- authorisation for the sweetener advantame will be discussed at the next "Standing Committee on the Food Chain and Animal Health"
- EC is well aware of the relevance of data collection in the re-evaluation programme of food additives, so that full support is given for any initiative in this respect
- EC in addition is launching a procurement for the development of a common methodology for gathering information by the Member States on the intake and use of food additives and flavourings in the European Union. The needs of EFSA will be taken into consideration.
- A letter has been sent to the EC by an association requesting improvements for the re-evaluation programme and to have a plan publicly available. EFSA noted that they were organizing a workshop with interested parties that will be held in Brussels at the end of April being the main goal the presentation of the programme for the re-evaluation of food additives authorized before January 2009 (Regulation (EU) 257/2010).

11. Other scientific topics for information and/or discussion

11.1. ANS decision tree on the risk assessment of food additives with "no numerical ADI and generally authorized at QS use"

The Chair of WG A who is in charge of coordinating the efforts to address this relevant topic, introduced the rationale for defining the decision tree. This conceptual framework was discussed to specifically address the approach to the food additives with no numerical ADI (because of the intrinsic low toxicity) and authorized at QS (*quantum satis*) use. However it is also useful in general to further improve consistency and transparency for the assessment of all the food additives on the basis of the available data. Since the risk assessment process requires identification and characterization of potential hazards together with exposure assessment, it is of importance to have all the key data (toxicity and exposure) available to properly assess food additives. As a consequence in case of lack of information the Panel might not be able to draw a conclusion. The approach needs to be further discussed and refined, during the next WGs and the next Panel meeting. The relevance of interested business operators and interested parties to cooperate with data collection further to the public calls has been reiterated.

11.2. Acacia gum (E414) (EFSA-Q-2011-00513): application of the decision tree on the risk assessment of food additives with "no numerical ADI and generally authorized at QS use"

The Rapporteur introduced the draft opinion highlighting the key aspects for discussion. WG A has re-considered the available scientific data. Because the gum is authorized at QS use, in absence of use data no exposure evaluation was available. However a specific call for data is being launched (batch 3) with the aim of collecting uses and use levels data. Acacia gum was shown to be not genotoxic and neither carcinogenic potential nor reproductive and developmental toxic effects have been observed. Further to sub-chronic studies in rodents a NOAEL of 5000 mg/kg bw/day has been identified and used as a point of departure (POD). Applying the appropriate

UF an ADI of 25 mg/kg bw/day could be derived. However in case of food additives characterized by “low intrinsic toxicity” and are authorized at QS, the decision to allocate an ADI should be further discussed.

The background highlighting the peculiarities of the food additive and the rationale to support the proposed scenario will be elaborated, written and made available to the Panel members for further discussions.

12. Questions from Observers

Question from Petr Mensik, Federation of European Specialty Food Ingredients (ELC), Belgium:

1. “Whereas the re-evaluation of a number of additives is handled by the working group A and B of the ANS Panel (items 9.2.1 and 9.2.2), can EFSA specify how the information provided in response to the previous calls for data is processed and how follow-up communications is ensured with the relevant stakeholders?”

Answer:

EFSA has launched several calls for data over the years. All the information (analytical data/usage level/toxicological data) was analysed by EFSA (DATA and FIP unit) and subsequently provided to Rapporteurs responsible for the respective opinion in WG Food Additives and Nutrient Sources A, B or WG exposure. Information on what data was submitted by third parties and is taken into account in the assessment is reported in the opinion. Stakeholders who have submitted information receive under embargo the adopted opinion one day before publication. Calls for data are generally based on the needs identified by the WG/Panel.

Further to the above mentioned question which was submitted with the registration, the following additional questions were raised:

Question from Petr Mensik, Federation of European Specialty Food Ingredients (ELC), Belgium:

2. Can EFSA provide further clarifications about the process when asking interested business operators to submit data for the re-evaluation of food additives as for an association it might be difficult to know if their members should submit data. In addition clarification about the decision tree and the call for data for QS substances was also asked.

Answer:

EFSA clarified that calls for data are in line with Art. 5 of Commission Regulation (EU) No 257/2010 and workprogram of the ANS Panel on the re-evaluation of food additives. Data related to usage level and/or concentration data of food additives are handled within EFSA under the responsibility of the DATA unit in cooperation with the FIP unit and the outcome is presented and discussed in the respective WGs of the ANS Panel (e.g. WG A, B, exposure). Data related to toxicological studies are handled within EFSA under the responsibility of the FIP unit and the outcome is presented and discussed in the respective WGs of the ANS panel (e.g. WG A, B, exposure). In addition, EFSA will hold a workshop on the food additive revaluation programme on 28 April 2014 in Brussels which aims to remind about the re-evaluation programme and to outline the work programme for 2014 and 2015.

Question from Olivier Bove, International Association for the Development of Natural Gums (AIDGUM):

3. Can the ANS Panel provide further clarifications on the decision tree particularly if the ADI is exceeded or no numerical ADI is allocated.

Answer:

This concept was presented to the ANS Panel during this plenary meeting and further discussions will follow. In addition, interested business operators such as associations and/or individual companies were reminded that it would be very beneficial to support the safety evaluation of food additives falling under the re-evaluation programme by timely submitting data/studies in the requested areas.

Question from Adriana Galvani,University of Bologna, Italy:

4. Whether there was a relationship between use of aspartame and blindness

Answer:

The experts replied as discussed in the aspartame opinion[7], that the amount of methanol produced from aspartame taken at the ADI would result in a potential change of 4% in intracellular formaldehyde levels. Whereas the amount of methanol resulting in blindness resulted from a doubling or greater of the intracellular formaldehyde concentration. This doubling would be sufficient to overwhelm the protection from intracellular glutathione and cause damage to cellular components.

In addition the Panel used the opportunity to ask for clarification about protein content for acacia gum. Mr Thevenet, Association for International Promotion of Gums (AIPG), Germany, provided additional information on the protein levels in acacia gum. In addition, EFSA pointed out that hearing experts from interested business operators might be invited to WG meetings to provide further information if needed.

13. Any other business

All the attendees (Panel members and Observers) have been kindly reminded to fill feedback forms for the open plenary.

[7] http://www.efsa.europa.eu/en/efsajournal/pub/3496.htm