Call for technical and toxicological data on tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) for uses in foods for all population groups including below 16 weeks of age

EFSA-Q-number: EFSA-Q-2018-00770

Published: 10/10/2018
Deadline for registering interest: 21/11/2018
Deadline for submission of data: 31/05/2020

Background

According to Regulation (EC) No 1333/2008[1], food additives which were permitted for use in the European Union before 20 January 2009 need to be re-evaluated by the European Food Safety Authority (EFSA). The programme for this re-evaluation is defined by Regulation (EU) No 257/2010[2].

EFSA has issued a scientific opinion on the safety of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) when used as food additives[3] in food categories specified in Annexes II and III to Regulation (EC) No 1333/2008, exempting those for infants below 12 weeks of age. The reason was that the risk assessment approach followed at the time by the former EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS Panel) in the re-evaluation of food additives did not apply to this age group[4]. The ANS Panel has, therefore, specified in its opinion that the re-evaluation of uses for this particular age group will be performed separately.

On 31 May 2017, EFSA's Scientific Committee (SC) published a guidance document[5] on the risk assessment of substances present in food intended for infants below 16 weeks of age, enabling the assessment of the safe use of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) and of other food additives for the population group below that age.

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[1] Regulation (EC) No 1333/2008 on food additives, OJ L 354, 31.12.2008
http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R1333&from=EN

[2] Regulation (EU) No 257/2010, setting up a programme for the re-evaluation of approved food additives in accordance with regulation (EC) No 1333/2008, OJ L 80, 26.03.2010.
http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R0257&from=EN

[3] Re-evaluation of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ-tocopherol (E 309) as food additives, EFSA ANS Panel, 2015.
https://doi.org/10.2903/j.efsa.2015.4247

[4] Guidance for submission for food additive evaluations. EFSA ANS Panel, 2012.
https://doi.org/10.2903/j.efsa.2012.2760

[5] Guidance on the risk assessment of substances present in food intended for infants below 16 weeks of age. EFSA Scientific Committee, 2017.
https://doi.org/10.2903/j.efsa.2017.4849

Following the latest advice from the EFSA's Scientific Committee (SC) published guidance document[5], the risk assessment to be performed will address the safety of uses of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ-tocopherol (E 309) in foods for infants below 16 weeks of age.

In addition, the ANS Panel identified in the conclusions and recommendations of its published opinion on tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) data gaps in the risk assessment, relevant for all population groups.

For the sake of efficiency, the European Commission asked EFSA to address the above lack of data (data gaps) during its risk assessment of food additives for uses in food for young infants. Therefore specific data requirements for all uses of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) are included in this call for data.

EFSA will consider the relevance of the information provided for the risk assessment of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ-tocopherol (E 309). The submission of the requested information is without prejudice to the final opinion of the Panel.

According to Article 6(5) of Regulation (EU) No 257/2010 where the requested information has not been submitted to EFSA within the set deadlines, the food additive(s) may be removed from the Union list in accordance with the procedure laid down in Article 10.3 of Regulation (EC) No 1333/2008.

Overall objective

The purpose of this call for data is to offer interested parties (IPs) the opportunity to submit documented information (published, unpublished or newly generated) relevant to the re-evaluation of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) to be used in foods for infants below 16 weeks of age, as well as to address the data gaps that have been identified for all population groups in the already published EFSA opinion on these food additives.

Deadlines for submission of data and disclosure of contact details

Interested parties and stakeholders should provide earlier or at the latest by **31/05/2020** the information described below.

Within **6 weeks** from the publication of this call, please communicate in writing by e-mail to: fip@efsa.europa.eu, your availability to submit the requested information by the timeline specified above or any proposal for a new deadline providing justified reasons. Depending on the replies received the final deadline will be communicated to you through e-mail and by updating the current call.

In accordance with Article 6(4) of the Regulation (EU) No 257/2010 the information not submitted within the final deadline will only exceptionally be considered and EFSA can finalise its opinions on the basis of the information already provided.

In order to facilitate the collaboration of all interested parties to provide the data needed, we are seeking your consent to disclose the name and address of your organisation/business to the other parties that has expressed an interest to provide the requested information. If you do not wish to make these contact details available, clearly indicate it in your first communication.

Information sought

EFSA invites business operators and other interested parties (governments, interested organisations, universities, research institutions, companies) to submit technical and biological and toxicological data on tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309). The information will be used:

- for the follow-up on issues that have been raised in the EFSA opinion's conclusions and recommendations of the Scientific Opinion on the re-evaluation of tocopherols as food additives by the former EFSA ANS Panel published in 2015[3];

- for the risk assessment of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) in food for infants below 16 weeks of age in the food categories 13.1.1 (Infant formula as defined by Directive 2006/141/EC) , 13.1.5.1 (Dietary foods for infants for special medical purposes and special formulae for infants) and section B of part 5 of Annex III to Regulation (EC) No 1333/2008. Data to be submitted should be in line with the EFSA Guidance of the Scientific Committee on the risk assessment of substances present in food intended for infants below 16 weeks of age[5].

A. Information regarding the follow up of the conclusions and the recommendations for tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) (EFSA ANS Panel, 2015)[3]

With reference to the conclusions and recommendations in the Scientific Opinion on the re-evaluation of tocopherols as food additives by the former EFSA ANS Panel published in 2015[3] information on tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) is sought on:

1. Technical data

- analytical data on current levels of lead, mercury and arsenic in commercial samples of the food additives;
- the lowest technologically achievable level for lead, mercury and arsenic in order to adequately define their maximum limits in the specifications
- analytical data on the composition of tocopherol-rich extract in commercial samples of the food additive E 306 in accordance with the Guidance on food additive evaluation (section 1.2)[4].

The information should be supported by data from at least five different batches independently produced and the analyses should be performed with appropriate analytical methods.

EFSA seeks specific data on the methods of analysis used. These include but are not limited to e.g the principle of the method, the scope of the method (i.e. the range of sample types that the method is used for), the concentration units used to express the analytical result(s), validation of the method (in particular limit of detection (LOD) and limit of quantification(LOQ)). Such methods should employ state of the art techniques.

2. Toxicological data

The Panel concluded that the overall toxicity database was considered insufficient to establish an ADI for tocopherols.

In order to complete the toxicological database, interested parties are requested to provide information to address the reproductive and developmental endpoints with respect to all uses including information on the tested material (see also section B.2).

3. Literature searches

Literature searches should be conducted relevant for the safety evaluation of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) for all uses in foods for all population groups from 01/07/2015 up to the date of the data submission, as described in the Guidance for submission for food additive evaluations[4] (section 5.3).

B. Information required for the risk assessment of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) for uses in foods for infants below 16 weeks of age

1. Technical data

For the uses of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) as food additives in foods for infants below 16 weeks (FC 13.1.1 and FC 13.1.5.1) EFSA seeks:

- information on particular specification requirements for identity and the purity of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) in these food categories (e.g. content of toxic elements). Analytical data on impurities in the final special formulae for infants below 16 weeks of age need to be provided when no legal limit has been established in these foods.
  In addition, data should be provided demonstrating the absence of *Cronobacter (Enterobacter) sakazakii.*
- information on the levels of use of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) alone or in combination with other tocopherols (indication of food additive name and level of use);
- information on the fate and the reaction products of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309);

2. Biological and Toxicological data

Within the frame of the EFSA Guidance of the Scientific Committee on the risk assessment of substances present in food intended for infants below 16 weeks of age[5] the following information on tocopherol-rich extract (E 306), γ-tocopherol (E 308) and δ-tocopherol (E 309) and their adverse effects relevant for their use as food additives in foods for infants below 16 weeks (FC 13.1.1 and FC 13.1.5.1) is required:

- an Extended One Generation Reproductive Toxicity Study (EOGRTS) in accordance with OECD TG 443 with α-tocopherol (E 307), γ-tocopherol (E 308), δ-

tocopherol (E 309) and tocopherol-rich extract (E 306) which would also address the request in section A.2 (regarding the follow up of the conclusions and recommendations for all uses) as well as the information required for the risk assessment of uses in foods for infants below 16 weeks of age. Data requirement can be reduced based on a justified read across approach between the different tocopherols or by other relevant scientific information.

- clinical data to assess the safety of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) (FC 13.1.1 and FC 13.1.5.1)
- post-marketing surveillance reports on undesired and adverse reactions, indicating the ages and other relevant data of the exposed infants and young children and the use level of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) in the marketed products;
- published and unpublished case reports (e.g. available nutrivigilance data) on undesired and adverse effects, associated with the oral administration of tocopherol-rich extract (E 306), γ-tocopherol (E 308) and δ- tocopherol (E 309) in any form to infants below 16 weeks of age.

3. Literature searches

Literature searches should be conducted relevant for the safety evaluation of tocopherol-rich extract (E 306), α-tocopherol (E 307), γ-tocopherol (E 308) and δ- tocopherol (E 309) when used in foods for infants below 16 weeks of age, as described in the Guidance for submission for food additive evaluations (section 5.3)[4].

Confidentiality

According to article 8 of Regulation (EU) No 257/2010 setting up a re-evaluation programme of approved food additives, confidential treatment may be given to information the disclosure of which might significantly harm the competitive position of business operators or other interested parties.
Therefore, the business operators and/or the interested parties should indicate which information wish to be treated as confidential and provide verifiable justification supporting this request. Note that the information described in article 8(2) of the Regulation (EU) No 257/2010 cannot be confidential.

In application of Article 8(4) of Regulation (EU) 257/2010, following a proposal from EFSA, the Commission will decide after consulting the interested business operator and/or the other interested parties, which information may remain confidential.

Submission of information

Interested business operators and/or interested parties should submit the information to EFSA in electronic form (e.g. CD-rom, DVD, etc.) with a

- cover letter that should contain:
  - Reference to the specific call and the specific EFSA question number indicated (EFSA-Q-2018-00770);
  - Reference to the substance concerned and its E number;
  - The contact details[6] (name of contact person, name of company/organisation, e-mail address and telephone number) of the person responsible for the data submission and, if applicable, the list of interested business operators and/or interested parties represented and

[6] The interested parties shall notify EFSA of any change in the contact details by sending an e-mail to the FIP mailbox (fip@efsa.europa.eu).

their contact details;

- statement of the submitter that they hold all the necessary rights to grant EFSA permission to use and, where appropriate, to disclose the submitted information, data, document, paper or study for the purposes better defined in this call. In case the submitter does not enjoy the necessary rights for these data or studies, they should share the contact details of the respective owner(s) of data and/or of the relevant intellectual property right, so that EFSA may seek their approval directly.
- separate folders with the confidential and with the non-confidential parts.

Possibility for EFSA to use the data for the safety assessment of the same or other substance under the same or other legal or regulatory frameworks.

In case future mutual interests arise in exchanging any relevant information (i.e. technical or toxicological data) with the Joint WHO – FAO Expert Committee on Food Additives (JECFA) for the re-evaluation of food additives, we would appreciate your written consent for data sharing between EFSA and JECFA on this additive.

Note that EFSA may use or re-use relevant information or data (i.e. technical, toxicological data) for the evaluation of the same or another substance under the same or a different legal or regulatory framework from the one mentioned above.

Correspondence

Please send all electronic correspondence, including enquiries to:
fip@efsa.europa.eu

Submissions should be sent to the following address:

European Food Safety Authority
FIP Unit
Via Carlo Magno 1/a
I-43126 Parma
Italy

Annex I

Naming convention to be used for submission of information

Please create a folder with subfolders for each section applicable, as indicated below, and name files using the E number, section identification numbers,_study name abbreviation of your choice, and indicating confidentiality:

Section 1. Technical data
Section 2. Biological and Toxicological data
Section 3. Literature searches