

Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (Text with EEA relevance)

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 3

Definitions

1 For the purposes of this Regulation, the definitions laid down in Regulations (EC) No 178/2002 and (EC) No 1829/2003 shall apply.

2 For the purposes of this Regulation the following definitions shall also apply:

- a 'food additive' shall mean any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

The following are not considered to be food additives:

- (i) monosaccharides, disaccharides or oligosaccharides and foods containing these substances used for their sweetening properties;
- (ii) foods, whether dried or in concentrated form, including flavourings incorporated during the manufacturing of compound foods, because of their aromatic, sapid or nutritive properties together with a secondary colouring effect;
- (iii) substances used in covering or coating materials, which do not form part of foods and are not intended to be consumed together with those foods;
- (iv) products containing pectin and derived from dried apple pomace or peel of citrus fruits or quinces, or from a mixture of them, by the action of dilute acid followed by partial neutralisation with sodium or potassium salts (liquid pectin);
- (v) chewing gum bases;
- (vi) white or yellow dextrin, roasted or dextrinated starch, starch modified by acid or alkali treatment, bleached starch, physically modified starch and starch treated by amylolytic enzymes;
- (vii) ammonium chloride;
- (viii) blood plasma, edible gelatin, protein hydrolysates and their salts, milk protein and gluten;
- (ix) amino acids and their salts other than glutamic acid, glycine, cysteine and cystine and their salts having no technological function;

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- (x) caseinates and casein;
 - (xi) inulin;
 - b ‘processing aid’ shall mean any substance which:
 - (i) is not consumed as a food by itself;
 - (ii) is intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing; and
 - (iii) may result in the unintentional but technically unavoidable presence in the final product of residues of the substance or its derivatives provided they do not present any health risk and do not have any technological effect on the final product;
 - c ‘functional class’ shall mean one of the categories set out in Annex I based on the technological function a food additive exerts in the foodstuff;
 - d ‘unprocessed food’ shall mean a food which has not undergone any treatment resulting in a substantial change in the original state of the food, for which purpose the following in particular are not regarded as resulting in substantial change: dividing, parting, severing, boning, mincing, skinning, paring, peeling, grinding, cutting, cleaning, trimming, deep-freezing, freezing, chilling, milling, husking, packing or unpacking;
 - e ‘food with no added sugars’ shall mean a food without the following:
 - (i) any added monosaccharides or disaccharides;
 - (ii) any added food containing monosaccharides or disaccharides which is used for its sweetening properties;
 - f ‘energy-reduced food’ shall mean a food with an energy value reduced by at least 30 % compared with the original food or a similar product;
 - g ‘table-top sweeteners’ shall mean preparations of permitted sweeteners, which may contain other food additives and/or food ingredients and which are intended for sale to the final consumer as a substitute for sugars;
 - h ‘quantum satis’ shall mean that no maximum numerical level is specified and substances shall be used in accordance with good manufacturing practice, at a level not higher than is necessary to achieve the intended purpose and provided the consumer is not misled.
- [^{F1}i “Authority” means—
- (i) as regards England and Wales, the Food Standards Agency;
 - (ii) as regards Scotland, Food Standards Scotland;]

Textual Amendments

- F1** Art. 3(i) inserted (31.12.2020) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/860\)](#), regs. 1, **82**; (as amended by S.I. 2020/1504, regs. 1(2), **18(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)](#)Sch. 1

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 2 Pt. B para. 2 words inserted by [S.S.I. 2023/78 sch. 1 para. 1\(b\)](#)
- Annex 2 Pt. B para. 2 Table words inserted by [S.I. 2023/343 Sch. 1 para. 2\(b\)](#)
- Annex 2 Pt. B para. 2 words substituted by [S.S.I. 2023/78 sch. 1 para. 1\(a\)](#)
- Annex 2 Pt. B para. 2 table words substituted by [S.I. 2023/334 reg. 2\(2\)\(a\)](#)
- Annex 2 Pt. B para. 2 Table words substituted by [S.I. 2023/343 Sch. 1 para. 2\(a\)](#)
- Annex 2 Pt. C para. 5(v) inserted by [S.I. 2023/334 reg. 2\(3\)](#)
- Annex 2 Pt. C para. 5(v) inserted by [S.I. 2023/343 Sch. 1 para. 3](#)
- Art. 28A(3)(d) words substituted by [S.I. 2019/1013 reg. 79\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1013 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(e))
- Art. 28A(5) inserted by [S.I. 2019/1013 reg. 79\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1013 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(e))