

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 1*

**Subject matter**

This Regulation lays down rules on food additives used in foods with a view to ensuring the effective functioning of the <sup>F1</sup>... market whilst ensuring a high level of protection of human health and a high level of consumer protection, including the protection of consumer interests and fair practices in food trade, taking into account, where appropriate, the protection of the environment.

For those purposes, this Regulation provides for:

- (a) [<sup>F2</sup>domestic] lists of approved food additives as set out in Annexes II and III;
- (b) conditions of use of food additives in foods, including in food additives and in food enzymes as covered by Regulation (EC) No 1332/2008 [on food enzymes], and in food flavourings as covered by Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods<sup>(1)</sup>;
- (c) rules on the labelling of food additives sold as such.

**Textual Amendments**

- F1** Word in [Art. 1](#) omitted (31.12.2020) by virtue of [The Food Additives, Flavourings, Enzymes and Extraction Solvents \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/860\)](#), regs. 1, **80(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [Art. 1](#) substituted (31.12.2020) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/860\)](#), regs. 1, **80(b)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 2*

**Scope**

- 1 This Regulation shall apply to food additives.
- 2 This Regulation shall not apply to the following substances unless they are used as food additives:
  - a processing aids;
  - b substances used for the protection of plants and plant products in accordance with [<sup>F3</sup>retained EU law] relating to plant health;
  - c substances added to foods as nutrients;

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- d substances used for the treatment of water for human consumption falling within the scope of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption<sup>(2)</sup>;
- e flavourings falling within the scope of Regulation (EC) No 1334/2008 [on flavourings and certain food ingredients with flavouring properties for use in and on foods].

3 This Regulation shall not apply to food enzymes falling within the scope of Regulation (EC) No 1332/2008 [on food enzymes], with effect from the date of adoption of the [F<sup>4</sup>domestic] list of food enzymes in accordance with Article 17 of that Regulation.

4 This Regulation shall apply without prejudice to any specific [F<sup>5</sup>retained EU law] concerning the use of food additives:

- a in specific foods;
- b for purposes other than those covered by this Regulation.

#### Textual Amendments

- F3** Words in Art. 2(2)(b) substituted (31.12.2020) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/860), regs. 1, **81(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 2(3) substituted (31.12.2020) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/860), regs. 1, **81(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 2(4) substituted (31.12.2020) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/860), regs. 1, **81(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 3

#### Definitions

1 For the purposes of this Regulation, the definitions laid down in Regulations (EC) No 178/2002 and (EC) No1829/2003 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;

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (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;
  - (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;

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- 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.
- [<sup>F6</sup>i “Authority” means—
- (i) as regards England and Wales, the Food Standards Agency;
  - (ii) as regards Scotland, Food Standards Scotland;]

#### Textual Amendments

- F6** 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\(1\)](#)

---

**Changes to legislation:** *There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

---

- (1) See page 34 of this Official Journal.
- (2) [OJ L 330, 5.12.1998, p. 32.](#)

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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))