



Brussels, **XXX**
PLAN/2023/2257 ANNEX Rev. 1
(POOL/E2/2023/2257/2257R1-EN.docx)
D094934/03
[...](2024) **XXX** draft

ANNEXES 1 to 2

ANNEXES

to the

COMMISSION REGULATION (EU) .../...

amending Annex II and Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the food additives tartaric acid (L(+)-) (E 334), sodium tartrates (E 335), potassium tartrates (E 336), sodium potassium tartrate (E 337) and calcium tartrate (E 354)

ANNEX I

Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(1) PART C is amended as follows:

(a) in point (1) (Group I), the entries for the food additives E 334 Tartaric acid (L(+)-), E 335 Sodium tartrates, E 336 Potassium tartrates, E 337 Sodium potassium tartrate and E 354 Calcium tartrate are deleted;

(b) in point (5) (Other additives that may be regulated combined), the following point is added:

‘(k.2) E 334 – 337 and E 354: Tartaric acid – tartrates

E-number	Name
E 334	Tartaric acid (L(+)-)
E 335	Sodium tartrates
E 336	Potassium tartrates
E 337	Sodium potassium tartrate
E 354	Calcium tartrate’

(2) PART E is amended as follows:

(a) in category 01.3 (Unflavoured fermented milk products, heat-treated after fermentation), the following entry is inserted after the entry for E 200-202:

‘E 334 – 337 and E 354	Tartaric acid – tartrates	750	(1) (2)’	
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;

(b) in category 01.8 (Dairy analogues, including beverage whiteners), the following entry is inserted after the entry for E 280-283:

‘E 334 – 337 and E 354	Tartaric acid – tartrates	240	(1) (2)’	
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- (c) in category 02.2.2 (Other fat and oil emulsions including spreads as defined by Council Regulation (EC) No 1234/2007 and liquid emulsions), the following entry is inserted after the entry for E 321:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	1 300	(1) (2)'	
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- (d) category 04.2.3 (Canned or bottled fruit and vegetables) is amended as follows:

(1) the entry for E 334 Tartaric acid (L(+)-) is replaced by the following:

	'E 334	Tartaric acid (L(+)-)	9 000	(98)'	
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(2) the entry for E 335 Sodium tartrates is replaced by the following:

	'E 335	Sodium tartrates	9 000	(51) (98)'	
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(3) the entry for E 336 Potassium tartrates is replaced by the following:

	'E 336	Potassium tartrates	9 000	(51) (98)'	
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(4) the entry for E 337 Sodium potassium tartrate is replaced by the following:

	'E 337	Sodium potassium tartrate	9 000	(51) (98)'	
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'(98): Maximum individually or for the combination of E 334 – 337';

- (e) in category 04.2.4.1 (Fruit and vegetable preparations excluding compote), the following entry is inserted after the entries for E 220-228:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	3 000	(1) (2)'	
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(f) in category 04.2.5.1 (Extra jam and extra jelly as defined by Directive 2001/113/EC), the entries for the food additives E 334 Tartaric acid (L(+)-) and E 335 Sodium tartrates are deleted;

(g) in category 04.2.5.2 (Jam, jellies and marmalades and sweetened chestnut purée as defined by Directive 2001/113/EC), the entries for the food additives E 334 Tartaric acid (L(+)-) and E 335 Sodium tartrates are deleted;

(h) in category 04.2.5.3 (Other similar fruit or vegetable spreads), the entries for the food additives E 334 Tartaric acid (L(+)-) and E 335 Sodium tartrates are deleted;

(i) in category 04.2.6 (Processed potato products), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	240	(1) (2)'	
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(j) in category 05.2 (Other confectionery including breath freshening microsweets), the following entry is inserted after the entry for E 297:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	25 000	(1) (2)'	
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(k) in category 05.3 (Chewing gum), the following entry is inserted after the entry for E 310-321:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	25 000	(1) (2)'	
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(l) in category 05.4 (Decorations, coatings and fillings, except fruit-based fillings covered by category 4.2.4), the following entry is inserted after the entries for E 297:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	11 000	(1) (2)'	
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- (m) in category 06.4.1 (Fresh pasta), the entry for the food additive E 334 Tartaric acid (L(+)-) is deleted;
- (n) in category 06.4.3 (Fresh pre-cooked pasta), the entry for the food additive E 334 Tartaric acid (L(+)-) is deleted;
- (o) in category 06.4.4 (Potato Gnocchi), the entry for the food additive E 334 Tartaric acid (L(+)-) is deleted;
- (p) in category 06.7 (Pre-cooked or processed cereals), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	740	(1) (2)'	
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- (q) in category 07.1 (Bread and rolls), the following entry is inserted after the entries for E 280-283:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	15 000	(1) (2)	except products in 7.1.1 and 7.1.2'
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- ;
- (r) in category 07.2 (Fine bakery wares), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	18 000	(1) (2)'	
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- ;
- (s) in category 08.3.2 (Heat-treated meat products), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	3 000	(1) (2)	except <i>foie gras, foie gras entier, blocs de foie gras, Libamáj, libamáj egészben, libamáj tömbben</i> '
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- (t) in category 09.2 (Processed fish and fishery products including molluscs and crustaceans), the following entry is inserted after the entry for E 316:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	2 300	(1) (2)'	
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- (u) in category 11.4.2 (Table-top sweeteners in powder form), the entry for the food additive E 336 Potassium tartrates is deleted;

- (v) category 11.4.3 (Table-top sweeteners in tablets) is amended as follows:

- (1) The entry for E 334 Tartaric acid (L(+)-) is replaced by the following:

	'E 334	Tartaric acid (L(+)-)	270 000	(99)'	
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- (2) The entry for E 336 Potassium tartrates is replaced by the following:

	'E 336	Potassium tartrates	270 000	(51) (99)'	
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'(51): Maximum usable levels are expressed in free acid

(99): Maximum individually or for the combination of E 334 and E 336'

;

- (w) in category 12.2.2 (Seasonings and condiments), the following entry is inserted after the entry for E 310-321:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	17 000	(1) (2)'	
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- (x) in category 12.4 (Mustard), the following entry is inserted after the entries for E 220-228:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	12 000	(1) (2)'	
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- (y) in category 12.5 (Soups and broths), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	240	(1) (2)'	
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(z) in category 12.6 (Sauces), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	4 000	(1) (2)'	
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(aa) in category 12.7 (Salads and savoury-based sandwich spreads), the following entry is inserted after the entry for E 200-213:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	1 800	(1) (2)'	
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(bb) in category 12.9 (Protein products, excluding products covered in category 1.8), the following entry is inserted after the entries for E 220-228:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	240	(1) (2)'	
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(cc) category 13.1.3 (Processed cereal-based foods and baby foods for infants and young children as defined by Directive 2006/125/EC) is amended as follows:

(1) the entry for E 334 Tartaric acid (L(+)-) is replaced by the following:

	'E 334	Tartaric acid (L(+)-)	5000	(100)	only L(+)-form; only biscuits and rusks and baby foods'
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(2) the entry for E 335 Sodium tartrates is replaced by the following:

	'E 335	Sodium tartrates	5000	(51) (100)	only L(+)-form; only biscuits and rusks and baby foods'
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(3) the entry for E 336 Potassium tartrates is replaced by the following:

	‘E 336	Potassium tartrates	5000	(51) (100)	only L(+)-form; only biscuits and rusks and baby foods’
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‘(51): Maximum usable levels are expressed in free acid

(100): Maximum individually or for the combination of E 334, E 335 and E 336’

(4) the entry for E 354 Calcium tartrate is deleted;

(dd) in category 14.1.2 (Fruit juices as defined by Directive 2001/112/EC and vegetable juices), the entry for the food additive E 336 Potassium tartrates is deleted;

(ee) in category 14.1.4 (Flavoured drinks), the following entry is inserted after the entry for E 297:

	‘E 334 – 337 and E 354	Tartaric acid – tartrates	4000	(1) (2)’	
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(ff) in category 14.2.6 (Spirit drinks as defined in Regulation (EC) No 110/2008), the following entry is inserted after the entry for E 220-228:

	‘E 334 – 337 and E 354	Tartaric acid – tartrates	1000	(1) (2)’	
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‘(2): The maximum level is applicable to the sum and the levels are expressed as the free acid’;

(gg) in category 14.2.7.1 (Aromatised wines), the following entry is inserted after the entry for E 242:

	‘E 334 – 337 and E 354	Tartaric acid – tartrates	8000	(1) (2)’	
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(hh) in category 14.2.7.2 (Aromatised wine-based drinks), the following entry is inserted after the entry for E 242:

	‘E 334 – 337 and E 354	Tartaric acid – tartrates	8000	(1) (2)’	
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(ii) in category 14.2.7.3 (Aromatised wine-product cocktails), the following entry is inserted after the entry for E 242:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	8000	(1) (2)'	
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- (jj) in category 14.2.8 (Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol), the following entry is inserted after the entry for E 242:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	8000	(1) (2)'	
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- (kk) in category 15.1 (Potato-, cereal-, flour- or starch-based snacks), the following entry is inserted after the entry for E 310-320:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	60 000	(1) (2)'	
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- (ll) in category 16 (Desserts excluding products covered in categories 1, 3 and 4), the following entry is inserted after the entry for E 297:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	3000	(1) (2)'	
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- (mm) in category 17 (Food supplements as defined in Directive 2002/46/EC), the Introduction part is replaced by the following:

'The maximum levels of use indicated for colours, polyols, sweeteners, E 200-213, E 334-337 and E 354, E 338-452, E 405, E 416, E 432-436, E 459, E 468, E 473-475, E 491-495, E 551-553, E 901-904, E 961, E 1201-1204, E 1505 and E 1521 refer to the food supplements ready for consumption prepared following the instructions for use provided by the manufacturer.

The dilution factor for those food supplements that have to be diluted or dissolved has to be communicated together with the instructions for use.'

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- (nn) in category 17.1 (Food supplements supplied in a solid form, excluding food supplements for infants and young children), the following entry is inserted after the entry for E 310-321:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	100 000	(1) (2)	except food supplements in chewable form
	E 334 – 337 and E 354	Tartaric acid – tartrates	130 000	(1) (2)	only food supplements in chewable form'

;

(oo) in category 17.2 (Food supplements supplied in a liquid form, excluding food supplements for infants and young children), the following entry is inserted after the entry for E 310-321:

	'E 334 – 337 and E 354	Tartaric acid – tartrates	6000	(1) (2)'	
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ANNEX II

Annex III to Regulation (EC) No 1333/2008 is amended as follows:

- (1) in Part 2, the following entry is inserted after the entry for E 321:

‘E 334 – 337 and E 354	Tartaric acid – tartrates (Table 8 of Part 6)	220 000 mg/kg singly or in combination in the preparation and 11 000 mg/kg in the final product expressed as the free acid	E 440 Pectins used in food category 05.2 (Other confectionery including breath freshening microsweets) and food category 05.4 (Decorations, coatings and fillings, except fruit-based fillings covered by category 4.2.4)’
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- (2) in Part 3, the entries for the food additives E 334 Tartaric acid (L(+)-), E 335 Sodium tartrates, E 336 Potassium tartrates, E 337 Sodium potassium tartrate and E 354 Calcium tartrate are deleted;

- (3) in Part 4, the following entry is inserted after the entry for E 320:

‘E 334 – 337 and E 354	Tartaric acid – tartrates (Table 8 of Part 6)	All flavourings	20 000 mg/kg singly or in combination in the flavouring and 400 mg/kg in the final product expressed as the free acid’
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- (4) in Part 5, Section A is amended as follows:

- (a) the entries for the food additives E 334 Tartaric acid (L(+)-), E 335 Sodium tartrates, E 336 Potassium tartrates, E 337 Sodium potassium tartrate and E 354 Calcium tartrate are deleted;
- (b) the following entry is inserted after the entry for E 333:

‘E	Tartaric acid – tartrates (Table 8	1000 mg/kg singly or in combination in the nutrient	All nutrients’
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334 – 337 and E 354	of Part 6)	preparation		
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(5) Part 6 is amended as follows:

- (a) in Table 1, the entries for the food additives E 334 Tartaric acid (L(+)-), E 335 Sodium tartrates, E 336 Potassium tartrates, E 337 Sodium potassium tartrate and E 354 Calcium tartrate are deleted;
- (b) the following table is added:

‘Table 8
Tartaric acid - tartrates

E-number	Name
E 334	Tartaric acid (L(+)-)
E 335	Sodium tartrates
E 336	Potassium tartrates
E 337	Sodium potassium tartrate
E 354	Calcium tartrate’