

Brussels, 26 October 2018

To:



DG SANTE  
E.2. Food processing technologies and novel foods  
European Commission  
Rue de la Loi / Wetstraat 200  
1049 Brussels

#### Potential ban of titanium dioxide in France

Dear ,

We write to you jointly to express our concerns regarding the current developments in France with regard to food additives, in particular Titanium Dioxide (TiO<sub>2</sub>, E 171). The use of TiO<sub>2</sub> is permitted in a number of food categories, by Regulation (EC) No 1333/2008. Many of our members use this additive in the permitted food categories and we are concerned with the approach taken by France to restrict, and ultimately ban, the use of TiO<sub>2</sub> in food.

Our concern stems from the recent adoption, by the French National Assembly (2 October), of the law relating to 'the balance of commercial relations in the agricultural and food sector and a healthy, sustainable and accessible diet for all', which includes a provision to suspend the use of TiO<sub>2</sub> as a food additive, under Article 53<sup>1</sup>.

As the use of TiO<sub>2</sub> as an additive is permitted under the EU Additives Regulation, France will have to notify this decision to the European Commission, which they have indicated they will do under article 54 of Regulation 178/2002 of the General Food Law.

We understand that this French initiative follows from safety concerns that have been voiced in relation to this additive. However, we also understand that such concerns have been considered by the European Commission, and in turn addressed by EFSA in its opinion published on 4 July 2018 where it concluded that "The outcome of the four studies did not merit re-opening the existing opinion of EFSA related to the safety of TiO<sub>2</sub> (E 171) as a food additive". It is our view, therefore, that there is no reason for France to unilaterally suspend the use of this additive.

---

<sup>1</sup> A temporary ban of TiO<sub>2</sub> is foreseen here " [translated] The placing on the market of the additive E 171 (titanium dioxide TiO<sub>2</sub>) and foodstuffs containing it shall be suspended under the conditions laid down in Article L. 521 17 of the Consumer Code and Article 54 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down detailed procedures relating to the safety of foodstuffs."

Risk management measures, restrictions and/or bans, must be based on valid scientific underpinning and should apply equally across the EU, otherwise they are an infringement of the Internal Market and create barriers to trade.

TiO<sub>2</sub> is authorised for use in some food categories in all EU member states as well as in other applications. It is an important additive with a technological need that cannot easily be replaced as suitable alternatives are not available. A ban of this additive would have serious consequences for many products, requiring reformulation and disruption of trade in the internal market. A ban on the use of this additive should therefore only be accepted on the basis of a verified safety concern. We would once more underline that based on EFSA's evaluation this safety concern, in our view, does not exist at present.

While EFSA has very recently issued a safety opinion on TiO<sub>2</sub> as a food additive, and while there is a clear technical, consumer relevant function, in our view there are no legal grounds for any member state to ban the usage of this additive based on local concerns only.

We would therefore ask the Commission to firmly object to this national legislation once it is notified at EU level.

Yours sincerely,



On behalf of  
EU Specialty Food Ingredients  
FoodDrinkEurope  
Food Supplements Europe