

COMMISSION IMPLEMENTING DECISION

of 22 November 2012

authorising the placing on the market of dihydrocapsiate as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document C(2012) 8391)***(Only the English text is authentic)**

(2012/726/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 6 August 2010 the company Ajinomoto Co. Inc., Japan made a request to the competent authorities of the United Kingdom to place dihydrocapsiate on the market as novel food ingredient.
- (2) On 10 March 2011 the competent food assessment body of the United Kingdom issued its initial assessment report. In this report it came to the conclusion that dihydrocapsiate will not present a health risk to consumers.
- (3) The Commission forwarded the initial assessment report to all Member States on 13 April 2011.
- (4) Within the 60 day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections were raised in accordance with that provision.
- (5) Therefore the European Food Safety Authority (EFSA) was consulted on 9 November 2011.
- (6) On 28 June 2012 in their 'Scientific opinion on dihydrocapsiate'⁽²⁾ EFSA came to the conclusion that dihydrocapsiate is safe under the proposed uses and use levels.
- (7) Dihydrocapsiate complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Dihydrocapsiate as specified in the Annex I may be placed on the market as a novel food ingredient for the uses defined and at the maximum levels established in Annex II, and without prejudice to the provisions of Regulation (EC) No 1925/2006 of the European Parliament and of the Council⁽³⁾, Directive 2009/39/EC of the European Parliament and of the Council⁽⁴⁾ and Directive 2009/54/EC of the European Parliament and of the Council⁽⁵⁾.

Article 2

The designation of dihydrocapsiate authorised by this Decision on the labelling of the foodstuffs containing it shall be 'Dihydrocapsiate'.

Article 3

This Decision is addressed to Ajinomoto Co. Inc., 15-1, Kyobashi, Chuo-ku, 1-choume, 104-8315, Tokyo, Japan.

Done at Brussels, 22 November 2012.

*For the Commission*Maroš ŠEFČOVIČ
Vice-President⁽¹⁾ OJ L 43, 14.2.1997, p. 1.⁽²⁾ EFSA Journal 2012; 10(7):2812.⁽³⁾ OJ L 404, 30.12.2006, p. 26.⁽⁴⁾ OJ L 124, 20.5.2009, p. 21.⁽⁵⁾ OJ L 164, 26.6.2009, p. 45.

ANNEX I

SPECIFICATIONS OF DIHYDROCAPSIATE

Definition

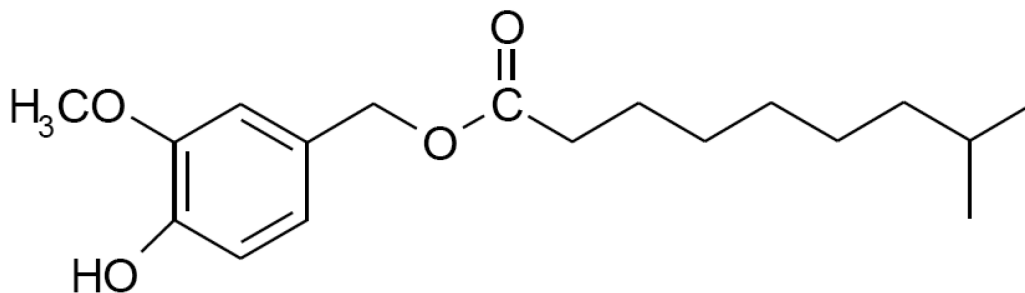
Dihydrocapsiate is synthesised by enzyme-catalysed esterification of vanillyl alcohol and 8-methylnonanoic acid. Following the esterification dihydrocapsiate is extracted with n-hexane.

The enzyme Lipozyme 435 was approved by the Danish Veterinary and Food Administration.

Description: Viscous colourless to yellow liquid

Chemical formula: C₁₈H₂₈O₄

Structural formula:



CAS No: 205687-03-2

Physical-chemical properties of dihydrocapsiate

Dihydrocapsiate	more than 94 %
8-Methylnonanoic acid	less than 6 %
Vanillyl alcohol	less than 1 %
Synthesis related substances	less than 2 %

ANNEX II

USES OF DIHYDROCAPSIATE

Food category	Maximum use levels
Cereal bars	9 mg/100 g
Biscuits, cookies and crackers	9 mg/100 g
Rice based snacks	12 mg/100 g
Carbonated drinks, dilutable drinks, fruit juice based drinks	1,5 mg/100 ml
Vegetable drinks	2 mg/100 ml
Coffee based drinks, tea based drinks	1,5 mg/100 ml
Flavoured water — still	1 mg/100 ml
Precooked oatmeal cereal	2,5 mg/100 g
Other cereals	4,5 mg/100 g
Ice cream, dairy desserts	4 mg/100 g
Pudding mixes (ready to eat)	2 mg/100 g
Products based on yoghurt	2 mg/100 g
Chocolate confectionery	7,5 mg/100 g
Hard candy	27 mg/100 g
Sugar-free gum	115 mg/100 g
Whitener/creamer	40 mg/100 g
Sweeteners	200 mg/100 g
Soup (ready to eat)	1,1 mg/100 g
Salad dressing	16 mg/100 g
Vegetable protein	5 mg/100 g
Ready to eat meals Replacement meals	3 mg/meal
Meal replacement drinks	1 mg/100 ml