



**COMMISSION REGULATION (EU) 2024/374**

**of 24 January 2024**

**amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council  
as regards the title of the food categories of alcoholic beverages and the use of several additives in  
certain alcoholic beverages**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives <sup>(1)</sup>, and in particular Article 10(3) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings <sup>(2)</sup>, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) The Union list of food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.
- (3) An application to update the Union list of food additives was submitted by Poland on 10 August 2022 in order, in particular, to take into account the new definition of certain alcoholic beverages as described in the Polish Law Act of 2 December 2021 on fermented beverages <sup>(3)</sup> ('the Polish Law on fermented beverages').
- (4) Currently, Part E of Annex II to Regulation (EC) No 1333/2008 sets out, in its points 14.2.3 to 14.2.5 and 14.2.8, conditions of use as regards certain fermented beverages, which were introduced in order to allow or restrict the use of several additives in certain alcoholic beverages as described in the Polish Law of 12 May 2011 on the manufacture and bottling of wine products, distribution of such products and the organisation of the wine market <sup>(4)</sup>. The Polish Law on fermented beverages replaced that Law of 12 May 2011. Therefore, some of those entries should be updated and the entry for E 353 in point 14.2.8 thereof should be deleted.
- (5) The alcoholic beverages covered by the Polish Law on fermented beverages are not covered by Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>(5)</sup>, since they do not fall under one of the categories of grapevine products listed in Part II of Annex VII to that Regulation.
- (6) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority ('the Authority') in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the authorisation of the use of several additives in certain alcoholic beverages covered by the Polish Law on fermented beverages does not lead to an additional exposure of the consumer to those substances, it constitutes an update of that list which is not liable to have an effect on human health and it is not necessary to seek the opinion of the Authority.

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 16.

<sup>(2)</sup> OJ L 354, 31.12.2008, p. 1.

<sup>(3)</sup> Dziennik Ustaw – rok 2022 poz. 24.

<sup>(4)</sup> Dziennik Urzędowy z 2011 r. Nr 120, poz. 690.

<sup>(5)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (7) In the food category 'Spirit drinks as defined in Regulation (EC) No 110/2008' of the European Parliament and of the Council <sup>(6)</sup> in point 14.2.6 in Parts D and E of Annex II to Regulation (EC) No 1333/2008, the use of the food colours belonging to Groups II and III as listed in points 2 and 3 of Part C of Annex II to the same Regulation and Quinoline Yellow (E 104), Sunset Yellow FCF/Orange Yellow S (E 110), Amaranth (E 123) and Ponceau 4R, Cochineal Red A (E 124) should not be authorised in 'vodka' to ensure consistency with point d of category 15 of Annex I to Regulation (EU) 2019/787 of the European Parliament and of the Council <sup>(7)</sup>, which provides that vodka is not to be coloured.
- (8) In Parts D and E of the Union list of food additives, the food category in point 14.2.8 covers alcoholic drinks which are not included in the categories in points 14.2.1 to 14.2.7, including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol. However, in accordance with Article 2 of Regulation (EU) 2019/787, spirit drinks are to have a minimum alcoholic strength by volume of 15 %, except in the case of products that comply with the requirements of category 39 of Annex I to that Regulation. Therefore, the title of the food category in point 14.2.8 in Parts D and E of Annex II to Regulation (EC) No 1333/2008 should not refer to 'spirits with less than 15 % of alcohol'. Also, the term 'alcoholic beverages' should be used instead of the term 'alcoholic drinks' and the term 'alcoholic strength by volume', as defined in Article 4(23) of Regulation (EU) 2019/787, should be used instead of the term 'alcohol'. Therefore, it is appropriate to amend the title and the entries of food category 'Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol' in point 14.2.8 in Parts D and E of Annex II to Regulation (EC) No 1333/2008.
- (9) The Union legislation concerning certain alcoholic beverages included in points 14.2.2, 14.2.6 and 14.2.7 in Parts A, D and E of Annex II to Regulation (EC) No 1333/2008 has been modified. The rules applicable to those alcoholic beverages are currently laid down in Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and Regulation (EU) No 251/2014 of the European Parliament and of the Council <sup>(8)</sup>. Since this Regulation amends the categories referring to alcoholic beverages, it is appropriate to use this occasion to update some of the existing references to Union law.
- (10) Regulation (EC) No 1333/2008 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

#### Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

<sup>(6)</sup> Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

<sup>(7)</sup> Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

<sup>(8)</sup> Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 084, 20.3.2014, p. 14).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 January 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

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

(1) In Part A, the entries in points 26 to 29 of Table 2 are replaced by the following:

26	Wine and other products covered by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*), as listed in its Annex VII part II
27	Spirit drinks defined in Annex I, categories 1-14 of Regulation (EU) 2019/787 of the European Parliament and of the Council (**), spirit (preceded by the name of the fruit, berries or nuts) obtained by maceration and distillation and <i>London gin</i> (Annex I, categories 16 and 22 of that Regulation, respectively) <i>Sambuca</i> , <i>Maraschino</i> , <i>Marrasquino</i> or <i>Maraskino</i> and <i>Mistrà</i> as defined in Annex I, categories 36, 37 and 41 of Regulation (EU) 2019/787, respectively
28	<i>Sangria</i> , <i>Clarea</i> and <i>Zurra</i> as mentioned in Regulation (EU) No 251/2014 of the European Parliament and of the Council (***)
29	Wine vinegar covered by Regulation (EU) No 1308/2013, as listed in its Annex VII part II

(\*) OJ L 347, 20.12.2013, p. 671.  
(\*\*) OJ L 130, 17.5.2019, p. 1.  
(\*\*\*) OJ L 84, 20.3.2014, p. 14.'

(2) In Part D, the entries for categories in points 14.2.2, 14.2.6, 14.2.7 and 14.2.8 are replaced by the following:

14.2.2	Wine and other products defined in Part II of Annex VII to Regulation (EU) No 1308/2013
14.2.6	Spirit drinks as defined in Regulation (EU) 2019/787
14.2.7	Aromatised wine products as defined by Regulation (EU) No 251/2014
14.2.8	Other alcoholic beverages including mixtures of alcoholic beverages with non-alcoholic beverages and other alcoholic beverages based on distilled alcohol with alcoholic strength by volume less than 15 %

(3) Part E is amended as follows:

(a) the entry for food category in point 14.2.2 'Wine and other products defined by Regulation (EC) No 1234/2007, and alcohol-free counterparts' is replaced by the following:

14.2.2	Wine and other products defined in Part II of Annex VII to Regulation (EU) No 1308/2013
	The use of additives is authorised in accordance with Regulation (EU) No 1308/2013, Council Decisions on the conclusion of agreements between the European Union and certain third countries on trade in wine and Commission Delegated Regulation (EU) 2019/934 (*) and their implementing measures

(\*) OJ L 149, 7.6.2019, p. 1.'

- (b) the entries for Group II, Group III, E 104, E 110, E 405, E 900, E 950, E 951, E 954, E 955, E 959, E 961, E 962, E 969 and E 999 in food category in point 14.2.3 are replaced by the following:

	'Group II	Colours at <i>quantum satis</i>	<i>quantum satis</i>		excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	Group III	Colours with combined maximum limit	200		excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 104	Quinoline Yellow	25	(64)	excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 110	Sunset Yellow FCF/Orange Yellow S	10	(64)	excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 405	Propane-1, 2-diol alginate	100		excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 900	Dimethyl polysiloxane	10		excluding <i>cidre bouché</i> , <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 950	Acesulfame K	350		excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 951	Aspartame	600		excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 954	Saccharin and its Na, K and Ca salts	80	(52)	excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 955	Sucralose	50		excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 959	Neohesperidine DC	20		excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 961	Neotame	20		excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>
	E 962	Salt of aspartame-acesulfame	350	(11)a (49) (50)	excluding <i>cydr jakościowy</i> , <i>perry jakościowe</i> , <i>cydr lodowy</i> , <i>perry lodowe</i>

	E 969	Advantame	6		excluding cydr jakościowy, perry jakościowe, cydr lodowy, perry lodowe
	E 999	Quillaia extract	200	(45)	excluding cidre bouché, cydr jakościowy, perry jakościowe, cydr lodowy, perry lodowe'

- (c) the entries for Group II, Group III, E 104, E 110, E 124, E 160d, E 242 and E 1105 in food category in point 14.2.4 are replaced by the following:

	'Group II	Colours at <i>quantum satis</i>	<i>quantum satis</i>		excluding wino owocowe jakościowe
	Group III	Colours with combined maximum limit	200		excluding wino owocowe jakościowe
	E 104	Quinoline Yellow	25	(64)	excluding wino owocowe jakościowe
	E 110	Sunset Yellow FCF/Orange Yellow S	10	(64)	excluding wino owocowe jakościowe
	E 124	Ponceau 4R, Cochineal Red A	1	(61)	excluding wino owocowe jakościowe
	E 160d	Lycopene	10		excluding wino owocowe jakościowe
	E 242	Dimethyl dicarbonate	250	(24)	only fruit wine, alcohol reduced fruit wine and wino owocowe jakościowe, wino owocowe likierowe, wino owocowe aromatyzowane, wino z soku winogronowego, aromatyzowane wino z soku winogronowego, wino owocowe niskoalkoholowe and aromatyzowane wino owocowe niskoalkoholowe
	E 1105	Lysozyme	<i>quantum satis</i>		only wino z soku winogronowego, aromatyzowane wino z soku winogronowego, wino owocowe niskoalkoholowe and aromatyzowane wino owocowe niskoalkoholowe'

- (d) the category in point 14.2.5 is amended as follows:

- (i) the entry for Group II is replaced by the following:

	'Group II	Colours at <i>quantum satis</i>	<i>quantum satis</i>		except miód pitny jakościowy'
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- (ii) the following entry for E 150a is inserted after the entry for Group II:

	E 150a	Plain Caramel	<i>quantum satis</i>		<i>miód pitny jakościowy</i> can only contain E 150a made from honey'
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- (e) the category in point 14.2.6 is amended as follows:

- (i) the entry for food category in point 14.2.6 'Spirit drinks as defined in Regulation (EC) No 110/2008' is replaced by the following:

'14.2.6	Spirit drinks as defined in Regulation (EU) 2019/787'
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- (ii) the entries for Group II, Group III, E 104, E 110, E 123, E 124, E 150a-d, E 338-452, and E 473-474 in food category 14.2.6 are replaced by the following:

	'Group II	Colours at <i>quantum satis</i>	<i>quantum satis</i>		except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	Group III	Colours with combined maximum limit	200	(87)	except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	E 104	Quinoline Yellow	180	(61)	except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	E 110	Sunset Yellow FCF/Orange Yellow S	100	(61)	except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	E 123	Amaranth	30		except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	E 124	Ponceau 4R, Cochineal Red A	170	(61)	except: spirit drinks as defined in categories 1-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787
	E 150a-d	Caramels	<i>quantum satis</i>		except: spirit drinks as defined in categories 15-17, 22, 36, 37 and 41 of Annex I of Regulation (EU) 2019/787 category 2 of Annex I of Regulation (EU) 2019/787 can only contain E 150a category 1, 3-8, 10-14 of Annex I of Regulation (EU) 2019/787 can only contain added caramel as a means of adjusting the colour

	E 338-452	Phosphoric acid – phosphates – di-, tri- and polyphosphates	1 000	(1) (4)	except: category 2 of Annex I of Regulation (EU) 2019/787
	E 473-474	Sucrose esters of fatty acids – sucroglycerides	5 000	(1)	except: category 2 of Annex I of Regulation (EU) 2019/787

(f) the category in point 14.2.7 is amended as follows:

- (i) the entry for food category in point 14.2.7 'Aromatised wine-based products as defined by Regulation (EEC) No 1601/91' is replaced by the following:

'14.2.7	Aromatised wine products as defined by Regulation (EU) No 251/2014'
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- (ii) the second entry for E 123 in food category in point 14.2.7.1 is replaced by the following:

	E 123	Amaranth	30		only wine-based aperitif
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(g) the category in point 14.2.8 is amended as follows:

- (i) the entry for food category in point 14.2.8 'Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol' is replaced by the following:

'14.2.8	Other alcoholic beverages including mixtures of alcoholic beverages with non-alcoholic beverages and other alcoholic beverages based on distilled alcohol with alcoholic strength by volume less than 15 %
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- (ii) the entries for Group III, E 104, E 110, E 123, E 124, E 160b(ii), E 200-202, E 210-213, E 220-228, E 242, E405, E 432-436, E 444, E 445, E 481-482, E 952 and E 1105 are replaced by the following:

	'Group III	Colours with combined maximum limit	200	(87)	only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 104	Quinoline Yellow	180	(61)	only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 110	Sunset Yellow FCF/Orange Yellow S	100	(61)	only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 123	Amaranth	30		only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 124	Ponceau 4R, Cochineal Red A	170	(61)	only alcoholic beverages with alcoholic strength by volume less than 15 %



	E 160b(ii)	Annatto norbixin	10		only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 200-202	Sorbic acid – potassium sorbate	200	(1) (2)	only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 210-213	Benzoic acid – benzoates	200	(1) (2)	only alcoholic beverages with alcoholic strength by volume less than 15 %
	E 220-228	Sulphur dioxide – sulphites	200	(3)	only <i>napój winny owocowy, napój winny miodowy, aromatyzowany napój winny owocowy, aromatyzowany napój winny miodowy,</i>
	E 220-228	Sulphur dioxide – sulphites	20	(3)	only in fermented grape must-based beverages
	E 242	Dimethyl dicarbonate	250	(24)	
	E 405	Propane-1, 2-diol alginate	100		only in fermented grape must-based beverages
	E 432-436	Polysorbates	10	(1)	only carbonated beverages
	E 444	Sucrose acetate isobutyrate	300		only flavoured cloudy alcoholic beverages with alcoholic strength by volume less than 15 %
	E 445	Glycerol esters of wood rosins	100		only flavoured cloudy alcoholic beverages with alcoholic strength by volume less than 15 %
	E 481-482	Stearoyl- 2-lactylates	8 000	(1)	only flavoured beverages with alcoholic strength by volume less than 15 %
	E 952	Cyclamic acid and its Na and Ca salts	250	(51)	only mixtures of alcoholic beverages with non-alcoholic beverages
	E 1105	Lysozyme	<i>quantum satis</i>		only <i>napój winny owocowy, napój winny miodowy, aromatyzowany napój winny owocowy, aromatyzowany napój winny miodowy'</i>

(iii) the entry for E 353 is deleted.