

Brussels, 21 April 2023

To whom it may concern,

EFFCA – the European of Food and Fermentation Cultures Association – and LABIP – the Lactic Acid Bacteria Industrial Platform – would like to bring to your attention our concerns regarding the ongoing discussions at EU level about the classification and regulation of certain uses of food cultures.

We would like to stress that food cultures used in fermented products are today regarded as ingredients, subject to the provisions of the General Food Law regulation (Regulation (EC) No 178/2002). However, some Member States advocate for a classification of certain food cultures as food additives under the EU Food Additives Regulation (Regulation (EC) No 1333/2008) when being used in innovative, more targeted applications.

Fermentation can contribute significantly to the EU's Farm to Fork goals. Fermented foods have a longer shelf life, which can help reduce food waste by keeping food fresh and safe for longer, reducing spoilage, and minimizing the need for preservatives, at the same time reducing the environmental impact of food production.

We believe that any proposed regulatory action for food cultures used in fermentation being classified as an additive would create an unnecessary burden on the industry and EU bodies, as it is not aligned with current practices and would hinder the level of innovation that is needed for the transition to more sustainable food systems.

Moreover, an additive classification would trigger numerous regulatory difficulties, which include:

- It would create an artificial dividing line between the use of the same food culture species on the basis of its multiple effects in food.
- It would be very difficult to distinct (and hence, to enforce legislation based on such distinction) between same food culture species being spontaneously present on non-sterile food and those added – this concerns intra-EU production, but mainly also import from third countries.

- In addition, it is important to note that if a food culture would be approved as an additive in the category “processed fish products” (9.2) (e.g., for prolonging the shelf life of smoked salmon), how would the legislator ensure that this will not affect the regulatory status of the same species used for fermentation purposes of another food of the same category (e.g., pickled herring)?
- It would create regulatory uncertainty as to the distinctive element between traditionally and non-traditionally fermented food products, considering that the behaviour of food cultures is equal in both applications and considering that the current division in food categories in the additives regulation does not make this distinction.

EFFCA proposed a [solution](#) that would secure legal clarity, proportionality, clear consumer information, transparency and safety concerning the use of food cultures that does not lead to a full visible fermentation of the product. This proposal, which is similar to the recommendation put forth by the Fit for Future platform (consisting of EU bodies, Member States, consumer organisation and others), would bring much-needed clarity to the regulation of food cultures and reduce the administrative burden on the industry, while ensuring the safety and transparency of these products for consumers and without requiring the pre-market approval of food cultures used to obtain a surface fermentation.

EFFCA members already developed [self-regulating industry guidelines](#) that describe how EFFCA members are documenting the quality and safety of food cultures used for all types of fermentation.

To ensure consumers' information about the use of fermentation technology for the purpose of enhancing the safety and quality of foods, we propose the introduction of a labelling particular for final foods that do not undergo a full fermentation/transformation process with the text: “protected by fermentation” or similar. In addition, the ingredient list will mention the “food culture” used in that particular application as is already mandatory.

We strongly believe that the proposed labelling particular and self/co-regulating industry guidelines will provide the necessary legal clarity, proportionality, clear consumer information, transparency, and safety. Moreover, we are committed to ensuring the safety of our products and will continue to work with regulatory authorities to achieve this objective.

Thank you for your consideration.

Sincerely,

Jakub Rusek, EFFCA Secretary General



Esben Laulund, LABIP Chairman

