



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food Safety, Sustainability, and Innovation
Food Processing Technologies and Novel Foods

Brussels
SANTE.E.2/CE/amf (2023)9014281

Dear Mr Heine,

Subject: Presence of enzymatically treated guar gum on the EU market

I refer to your letter dated from 29 June 2023 concerning the presence of enzymatically treated guar gum on the European market that would not comply with the European specifications for guar gum (E412).

Guar gum is authorized as a food additive (E 412) under Regulation (EC) No 1333/2008 on food additives and subject to the re-evaluation programme for food additives which were permitted for use in the European Union before 20 January 2009.

In 2017, EFSA adopted a scientific opinion on the re-evaluation of the safety of guar gum (E 412) as a food additive. EFSA considered that specifications for guar gum may need to be modified to take account of the possible production of undesirable by-products that can be formed from oxidation and are controlled by the manufacturer below specific levels.

The re-evaluation of guar gum (E 412) as a food additive in foods for infants below 16 weeks of age and the follow up of the recommendation as regards the specification are still ongoing, based on the data collected by EFSA¹ which includes a request for “information on particular specification requirements for the identity and purity” of guar gum (E 412) (e.g. with respect to levels of protein residues; use of clarified guar gum or content of toxic elements, furfural, pentachlorophenol, isopropanol, borate) and on the use levels of guar gum (E 412), alone or in combination with other thickening agents.

¹ <https://www.efsa.europa.eu/en/consultations/call/call-technical-and-toxicological-data-guar-gum-e-412-uses-foods>

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According to the food additive specifications set in Regulation (EU) No 231/2012², guar gum (E 412) may be partially hydrolysed only by either heat treatment, mild acid or alkaline oxidative treatment for viscosity adjustment.

As you mention, the production of hydrolysed guar gum with the use of enzymes is not in compliance with the specification of the authorised food additive E 412. Therefore, enzymatically treated guar gum should not be placed on the EU market.

As per Article 12 of Regulation (EC) No 1333/2008, a food additive prepared by new methods or materials shall be considered as a different additive and a new entry in the Union lists or a change in the specifications shall be required before it can be placed on the EU market.

An application for the modification of the specifications of an already authorised additive must be submitted through the electronic submission system³ prior to the placing on the EU market of enzymatically treated guar gum.

Please note that this does not prejudice of further actions that could be taken by the Commission or Member states in respect of the concerned product.

It follows from the General Food Law (Regulation (EC) No 178/2002) that it is the responsibility of the Food Business Operators to ensure that the requirements of the food law are met for the food business under their control. The competent authorities of Member States are responsible for the enforcement of the EU legislation and consider the compliance of the products available on the EU market in light of the applicable legislation. The contact points of the EU Agri-Food Fraud Network in France and Germany are in copy of this letter for any appropriate follow up actions.

The Commission will inform the Member States of the notification during the meeting of the Working Group of Governmental Experts on food enzymes that will take place on 13 September 2023. This letter will also be shared with all Member States.

Yours faithfully,

Bruno GAUTRAIS
Head of Unit

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² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32012R0231>

³ The E-Submission Food Chain Platform (<https://webgate.ec.europa.eu/esfc>)