

Official Journal of the European Union

L 247



English edition

Legislation

Volume 61

3 October 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) 2018/1472 of 28 September 2018 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards Cochineal, Carminic acid, Carmines (E 120) ⁽¹⁾** 1
- ★ **Commission Implementing Regulation (EU) 2018/1473 of 2 October 2018 fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2019 EAGF accounting year** 5

DECISIONS

- ★ **Council Decision (EU) 2018/1474 of 28 September 2018 appointing two members and four alternate members, proposed by the Republic of Austria, of the Committee of the Regions** 7

Corrigenda

- ★ **Corrigendum to Commission Regulation (EU) 2018/832 of 5 June 2018 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cymoxanil, deltamethrin, difenoconazole, fenamidone, flubendiamide, fluopicolide, folpet, fosetyl, mandestrobin, mepiquat, metazachlor, propamocarb, propargite, pyrimethanil, sulfoxaflor and trifloxystrobin in or on certain products (OJ L 140, 6.6.2018)** 9

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2018/1472

of 28 September 2018

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards Cochineal, Carminic acid, Carmines (E 120)**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3) and Article 14 thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.
- (2) Commission Regulation (EU) No 231/2012 ⁽²⁾ lays down specifications for food additives that are listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (3) Cochineal, Carminic acid, Carmines (E 120) is a substance authorised as a colour in a variety of foods in accordance with Annex II to Regulation (EC) No 1333/2008.
- (4) Article 32(1) of Regulation (EC) No 1333/2008 provides that all food additives that were already permitted in the Union before 20 January 2009 are subject to a new risk assessment by the European Food Safety Authority ('the Authority').
- (5) For that purpose, a program for the re-evaluation of food additives is laid down in Commission Regulation (EU) No 257/2010 ⁽³⁾, according to which the re-evaluation of colours had to be completed by 31 December 2015.
- (6) On 18 November 2015 the Authority delivered a Scientific Opinion on the re-evaluation of cochineal, carminic acid, carmines (E 120) as a food additive ⁽⁴⁾. The Authority concluded that the present dataset did not give reasons to revise the Acceptable Daily Intake (ADI) value for E 120 and that the refined exposure estimates were below the ADI for all population groups. However, the Authority recommended to revise the current title 'Cochineal, Carminic acid, Carmines', so that it would more accurately reflect the material used as a food additive and to update the specifications as regards the percentage of material not accounted for, the maximum limits for toxic elements and the presence of proteinaceous compounds.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.⁽²⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).⁽³⁾ Commission Regulation (EU) No 257/2010 of 25 March 2010 setting up the program for the re-evaluation of approved food additives in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives (OJ L 80, 26.3.2010, p. 19).⁽⁴⁾ EFSA Journal 2015; 13(11):4288.

- (7) Pursuant to Article 10(3) of Regulation (EC) No 1333/2008, the Union list of approved food additives shall be amended in accordance with the procedure referred to in Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽¹⁾.
- (8) Article 3(1) of Regulation (EC) No 1331/2008 provides that the Union list of food additives may be updated either on the initiative of the Commission or following an application.
- (9) It is therefore appropriate to amend Annex II to Regulation (EC) No 1333/2008 and the Annex to Regulation (EU) No 231/2012.
- (10) A reasonable period should be allowed to elapse before the amendments become applicable in order to permit food business operators to meet the new requirements laid down in this Regulation.
- (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

In Annex II to Regulation (EC) No 1333/2008 whenever a reference is made to 'E 120 Cochineal, Carminic acid, Carmine' it shall be replaced by 'E 120 Carminic acid, Carmine'.

Article 2

The Annex to Regulation (EU) No 231/2012 is amended in accordance with the Annex to this Regulation.

Article 3

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

It shall apply from 23 October 2019.

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

Done at Brussels, 28 September 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ 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 (OJ L 354, 31.12.2008, p. 1).

ANNEX

In the Annex to Regulation (EU) No 231/2012 the entry for 'E 120 Cochineal, Carminic acid, Carmines' is replaced by the following:

'E 120 CARMINIC ACID, CARMINE**Synonyms**

CI Natural Red 4

Definition

Carminic acid is obtained from aqueous, aqueous alcoholic or alcoholic extracts from Cochineal, which consists of the dried bodies of the female insect *Dactylopius coccus* Costa.

Carmines are aluminium lakes of carminic acid in which aluminium and carminic acid are thought to be present in the molar ratio 1:2.

The colouring principle is carminic acid. Minor amounts of its aminated form 4-aminocarminic acid may also be present.

In commercial products the colouring principle carminic acid may be present in association with ammonium, calcium, potassium or sodium cations, singly or in combination, and these cations may also be present in excess. Commercial products may also contain proteinaceous material derived from the source insect.

Colour Index No

75470

Einecs

Carminic acid: 215-023-3; carmines: 215-724-4

Chemical name

7-β-D-glucopyranosyl-3,5,6,8-tetrahydroxy-1-methyl-9,10-dioxoanthracene-2-carboxylic acid (carminic acid); carmine is the hydrated aluminium chelate of this acid

Chemical formula

 $C_{22}H_{20}O_{13}$ (carminic acid)

Molecular weight

492,39 (carminic acid)

Assay

Content not less than 90 % carminic acid; not less than 50 % carminic acid in the chelates.

Description

Red to dark red, friable, solid or powder

Identification

Spectrometry

Carminic acid:

Maximum in aqueous ammonia solution at ca. 518 nm

Maximum in dilute hydrochloric solution at ca. 494 nm

E 1 %/1 cm 139 at peak around 494 nm in dilute hydrochloric acid

4-aminocarminic acid:

Maximum in aqueous ammonia solution at 535 nm

Maximum in dilute hydrochloric solution at 530 nm

E 1 %/1 cm 260 at peak around 535 nm in aqueous ammonia solution, pH 9,5

In commercial products carminic acid may be differentiated from its amine by HPLC

Purity

Solvent residues

Ethanol: Not more than 150 mg/kg

Methanol: Not more than 50 mg/kg

Total ash

Carminic acid: Not more than 5 %

Carmine: Not more than 12 %

Protein (N × 6,25)

Carminic acid: Not more than 2,2 %

Carmine: Not more than 25 %

4-aminocarminic acid

Not more than 3 % relative to carminic acid

Matter insoluble in dilute ammonia	Carmine: Not more than 1 %
Arsenic	Not more than 1 mg/kg
Lead	Not more than 1,5 mg/kg
Mercury	Not more than 0,5 mg/kg
Cadmium	Not more than 0,1 mg/kg
Microbiological criteria	
<i>Salmonella</i> spp.	Absent in 10 g

Aluminium lakes of this colour may be used.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1473**of 2 October 2018****fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2019 EAGF accounting year**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 20(1) and (4) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 3(1)(a) of Commission Delegated Regulation (EU) No 906/2014 ⁽²⁾ provides that expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex I to that Regulation.
- (2) Point I.1 of Annex I to Delegated Regulation (EU) No 906/2014 provides that the financing costs in question are to be calculated on the basis of a uniform interest rate for the Union fixed by the Commission at the beginning of every accounting year. This interest rate corresponds to the average of the 3-month and 12-month forward Euribor rates, recorded in the 6-month reference period to be determined by the Commission, preceding the notification from the Member States provided for in the first paragraph of point I.2 of that Annex, with a weighting of one third and two thirds respectively
- (3) In order to determine the interest rates applicable for a given accounting year, the first paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014 provides that Member States have to notify the Commission, at its request, of the average interest rate they actually bore during the reference period referred to in point I.1 of that Annex, no later than the deadline referred to in that request.
- (4) Furthermore, in accordance with the second paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014, in the absence of any notification from a Member State, in the form and by the deadline referred to in the first paragraph of that point, the interest rate borne by that Member State has to be considered to be 0 %. Where a Member State declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the Commission has to fix that interest rate in accordance with the third paragraph of that point.
- (5) In accordance with point I.3 of Annex I to Delegated Regulation (EU) No 906/2014, the interest rate determined on the basis of point I.2 of that Annex is to be compared with the uniform interest rate fixed on the basis of point I.1 of that Annex. The interest rate applicable to each Member State has to be the lower of these two interest rates. However, for the purpose of reimbursing Member States expenditure, negative interest rates cannot be taken into account.
- (6) The interest rates applicable for the 2019 EAGF accounting year should be fixed taking those various factors into account.
- (7) In order to avoid a legal vacuum with regard to the interest rate applicable for calculating the costs of financing intervention measures, it is appropriate that the new rate applies retroactively from 1 October 2018,

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure (OJ L 255, 28.8.2014, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

For expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products chargeable to the 2019 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex I to Delegated Regulation (EU) No 906/2014 in accordance with Article 3(1)(a) of that Regulation shall be fixed at 0 %.

Article 2

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

It shall apply from 1 October 2018.

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

Done at Brussels, 2 October 2018.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU) 2018/1474

of 28 September 2018

appointing two members and four alternate members, proposed by the Republic of Austria, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Austrian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) Two members' seats on the Committee of the Regions have become vacant following the end of the term of office of Mr Michael HÄUPL and Mr Herwig VAN STAA.
- (3) Three alternate members' seats on the Committee of the Regions have become vacant following the end of the term of office of Ms Renate BRAUNER, Ms Brigitta PALLAUF and Ms Barbara SCHWARZ.
- (4) An alternate member's seat has become vacant following the appointment of Mr Günther PLATTER as a member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as members:

- Mr Günther PLATTER, *Landeshauptmann von Tirol*,
- Mr Michael LUDWIG, *Landeshauptmann/Bürgermeister von Wien*;

(b) as alternate members:

- Ms Sonja LEDL-ROSSMANN, *Präsidentin des Landtags von Tirol*,
- Mr Peter HANKE, *Stadtrat für Finanzen und Budget der Stadt Wien*,
- Ms Brigitta PALLAUF, *Präsidentin des Landtags von Salzburg*,
- Mr Martin EICHTINGER, *Landesrat für Wohnen, Arbeitsmarkt und Internationale Beziehungen von Niederösterreich*.

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 28 September 2018.

For the Council
The President
M. SCHRAMBÖCK

CORRIGENDA

Corrigendum to Commission Regulation (EU) 2018/832 of 5 June 2018 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cymoxanil, deltamethrin, difenoconazole, fenamidone, flubendiamide, fluopicolide, folpet, fosetyl, mandestrobin, mepiquat, metazachlor, propamocarb, propargite, pyrimethanil, sulfoxaflor and trifloxystrobin in or on certain products

(Official Journal of the European Union L 140 of 6 June 2018)

On page 76, in the Annex, in the amendments to Part A of Annex III to Regulation (EC) No 396/2005, in point (2), in the table:

for

'0140020	Cherries (sweet)	0,3	1,5		2 (*)
0140030	Peaches	0,5	0,8		50'

read

'0140020	Cherries (sweet)	0,3	2		2 (*)
0140030	Peaches	0,5	1,5		50'

