Flavourings and food ingredients with flavouring properties for use in and on foods

2006/0147(COD) - 24/10/2007 - Modified legislative proposal

To recall, the European Parliament adopted 43 amendments to the original proposal, of which many were accepted. 19 amendments were not.

Technical/editorial amendments: Most of the amendments proposed by Parliament (in this case 19) seek to improve the proposal from a technical and editorial point of view. In such cases the Commission has amended its initial proposal accordingly.

Legal basis: The Commission has decided to delete Article 37 of the TEU as the legal basis for the Regulation, as proposed by Parliament.

Comitology: The Commission has agreed to align the implementing powers with Decision 2006/512/EC (regulatory procedure with scrutiny) in cases where scrutiny is required.

Definitions: On the question of definitions, the Commission has decided not to accept amendments that i) change the definition of flavouring properties that contribute *significantly* to the presence of the substances in Annex III part B; ii) to change the term *other flavourings* to *flavourings not elsewhere specified* and iii) to restrict the production of flavouring substances to appropriate *natural* processes or chemical synthesis.

Prohibition of non-compliant flavourings: The Commission has accepted an amendment specifying that food additives and enzymes that do not conform with the provisions of the proposed Regulation should not be placed on the market.

General conditions of use: The Commission has accepted proposed amendments that clarify provisions that seek to prevent the consumer from being mislead. However, amendments that would require the use of flavourings needing to have an advantage plus consumer benefit linked to technological need have been rejected. Further, amendments requiring the authorisation of flavourings to be based on the precautionary principle have been rejected given that such provisions are already set out in the General Food Law Regulation.

Presence of certain substances: The Commission has decided not to accept an amendment concerning the maximum limits for substances of toxicological concern in Annex III part B. Similarly, an amendment that introduces a blank Annex III part B has been rejected.

Proposed Regulation's relation with GM food and feed: The Commission has decided to endorse an amendment stating that GMO procedures should run simultaneously. The proposed definition "produced by GMO's" has been rejected though on the ground that should such a definition be needed it should be covered by Regulation (EC) No 1829/2003.

Labelling: The Commission has decided to accept an amendment regarding the labelling of natural flavourings from 90% to 95% when referring to a natural sources. On the other hand, it rejected an amendment which required that for trade between food business operators, an address in the EU should be provided. This is not accepted as it could lead to barriers to trade with third countries. The description of smoke flavourings has not been accepted on the grounds that it could be misleading to the consumer. The labelling of flavourings obtained from GMO's should be covered by Regulation 1829/2003 and not by this

Regulation. On a final point, the Commission has decided to accept Parliamentary proposals to simplify labelling provisions for additives and enzymes sold from business to business or to the final consumer.

Food business operator reporting: The Commission has decided to accept an amendment requiring producers to inform the Commission immediately of any new scientific or technical information which might affect the assessment of the safety of flavouring substances. The requirement that “information which is known and accessible to him” be provided is not, however, accepted as this restricts the responsibility of the producer.