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

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In adopting the report drafted by Ms Mojca **Drar Murko** (ALDE, SI), the Committee on the Environment, Public Health and Food Safety amended in first reading the proposal for a Regulation of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1576/89, Council Regulation (EEC) No 1601/91, Regulation (EC) No 2232/96 and Directive 2000/13/EC.

The main amendments are as follows:

- **scope**: the Committee amended Art 2.1(a) to read as follows: ‘flavourings which are used or intended to be used in or on foods, without prejudice to more specific provisions laid down in Regulation (EC) No 2065/2003’. It considers that, in the interest of consistency and clarity, all legislation relating to the safety and use of flavourings should be within the scope of this Regulation. Smoke flavourings are already specifically regulated under Regulation (EC) No 2065/2003.

It also amended the wording of Article 2.1(c) to ensure that foods containing flavourings *and/or* food ingredients with flavouring properties are covered because the Commission’s wording would have excluded from the scope food containing *only* flavourings and food containing *only* food ingredients with flavouring properties. The purpose of extending the scope of the Regulation to include food ingredients with flavouring properties is to assist in the control of biologically active principles (certain substances naturally present in flavourings and food ingredients with flavouring properties). Should certain naturally occurring undesirable substances raise scientifically justified concern for the health of consumers, maximum levels can be set by the Commission following EFSA's opinion.

The Committee considered it useful to amend Art 2.2.(b) regarding raw or non-compound foods and provide examples, since it remains unclear to what extent, for example, herbal and fruit teas and traditional spice mixtures would fall within the Regulation's scope.

Because the proposal does not mention the possibility of adding food and/or food additives to flavourings even though additives and food are necessary for the storage and use of flavourings and for dissolving and diluting these products, the Committee added a new Article 3.2(a) to allow for this (in many cases, flavourings are compounded to contain food ingredients as part of the flavouring, e.g. cheese powder in a cheese and onion flavouring).

- **definitions**: as the Committee considered that the definition of 'other flavouring' required clarification, it amended Article 3.2(h) to read as follows: ‘flavouring not elsewhere specified’ shall mean a flavouring added or intended to be added to food in order to impart odour and/or taste and which does not fall under the definitions 3.2(b) to (g).

The definition of a ‘food ingredient’ (Art 3.2(i) was amended to restrict the scope of the regulation to those food ingredients with flavouring properties which are considered to contribute significantly to intake.

MEPs adopted an amendment whereby the term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source if at least 95% [by w/w] of the flavouring component has been obtained from the source material referred to. This was because the

proposed text could give consumers the impression that the flavouring was obtained primarily from the majority component referred to, whereas in fact the remaining 10% was obtained from entirely different ingredients. Rather than the Commission's proposed ratio of 90/10, MEPs in the Committee consider it should be 95/5.

- **GMOs:** The Committee amended Article 15.1 to ensure that labelling of flavourings intended for sale to the final consumer is also done in accordance with Directive 89/396/EEC concerning the lot and with GMO Regulation (EC) No 1829/2003, where appropriate, for the labelling of food flavourings containing, consisting of or produced from GMOs, in addition to Directive 2000/13/EC, as proposed by the Commission. MEPs also added a new paragraph toArt 22 concerning Annex III clarifying labelling provisions regarding flavourings produced from or by GMOs. This is in line with the concept of 'last living organism' governing the labelling provisions of Regulation (EC) No 1829/2003 on GM food and feed.

- **traceability**: Article 13.1(b) has been amended to ensure better traceability by specifying that the business operator must be established within the EU.

- **precautionary principle**: MEPs consider that the precautionary principle should be in the centre of the risk assessment of food enzymes and to this end amended Article 4(a).

- **reporting**: in relation to Article 16, the Committee believes that reports on annual amounts of every flavouring substance added to foods and use levels for each category will be extremely difficult to collect, as the flavouring supplier will not necessarily know in which food categories a flavouring is to be used, nor will he know the exact dosage used. Therefore such information is unlikely to assist in intake assessment or safety evaluation. Instead, a producer or user of a flavouring substance shall inform the Commission immediately of any new scientific or technical information which is known and accessible to him which might affect the assessment of the safety of the flavouring substance. In addition, the food industry user of the flavouring containing the flavouring substance and the producer of the flavouring shall in cooperation, at the request of the Commission, inform it of the actual use of the flavouring substance. The information provided in this context shall be treated as confidential data.

- **comitology**: in several articles of this draft regulation, the Committee amended provisions to align the text to the provisions of the new comitology decision (Decision 2006/512/EC) which lays down the procedures for the exercise of implementing powers conferred on the Commission.

In the sixth recital, the Committee makes specific reference to the need, where possible, for attention to be given to whether or not there could be any negative consequences of flavourings for vulnerable groups, including the development of taste preferences in children. It also adds that misleading the consumer includes, but is not limited to, issues related to the nature, freshness, quality of ingredients used, the naturalness of a product or of the production process, or the nutritional quality of the product.