Basic information

1993/0478(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Flavouring substances used or for use in foodstuffs Repealed by 2006/0147(COD) **Subject** 3.10.10 Foodstuffs, foodstuffs legislation 3.40.13 Food industry 4.60.04.04 Food safety	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	ENVI Environment, Public Health and Consumer Protection	JENSEN Kirsten M. (PSE)	27/07/1994

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Competitiveness (Internal Market, Industry, Research and Space)	1886	1995-11-23
	Environment	1939	1996-06-26
	Fisheries	1899	1995-12-22

Key events

Date	Event	Reference	Summary
01/12/1993	Legislative proposal published	COM(1993)0609	Summary
17/12/1993	Committee referral announced in Parliament, 1st reading		
25/04/1994	Vote in committee, 1st reading		Summary
03/05/1994	Debate in Parliament		
03/06/1994	Modified legislative proposal published	COM(1994)0236	Summary
22/12/1995	Council position published	12675/1/1995	Summary
01/02/1996	Committee referral announced in Parliament, 2nd reading		
24/04/1996	Vote in committee, 2nd reading		Summary
24/04/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0143/1996	
21/05/1996	Debate in Parliament		Summary

26/06/1996	Act approved by Council, 2nd reading		Summary
28/10/1996	Final act signed		
28/10/1996	End of procedure in Parliament		
23/11/1996	Final act published in Official Journal		

Technical information

Procedure reference	1993/0478(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2006/0147(COD)
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07442

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0308/1994 OJ C 205 25.07.1994, p. 0006	25/04/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0434/1994 OJ C 205 25.07.1994, p. 0233-0398	05/05/1994	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0143/1996 OJ C 152 27.05.1996, p. 0006	24/04/1996	
Text adopted by Parliament, 2nd reading		T4-0237/1996 OJ C 166 10.06.1996, p. 0054-0062	22/05/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	12675/1/1995 OJ C 059 28.02.1996, p. 0037	22/12/1995	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1993)0609  OJ C 001 04.01.1994, p. 0022	01/12/1993	Summary
	COM(1994)0236		

Modified legislative proposal	OJ C 171 24.06.1994, p. 0006	03/06/1994	Summary
Commission communication on Council's position	SEC(1996)0095	24/01/1996	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1996)0270	10/06/1996	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0555/1994 OJ C 195 18.07.1994, p. 0004	27/04/1994	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 1996/2232
OJ L 299 23.11.1996, p. 0001 Summary

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 23/11/1995

The Council reached agreement, with France abstaining, on the common position on the Regulation laying down a Community procedure for flavouring substances used in foodstuffs. The common position will be formally approved as an ‘A’ item at a forthcoming meeting.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 01/12/1993 - Legislative proposal

The proposed regulation had the following objectives: - to establish a high level of protection for consumers; - to improve the free movement of goods in the single market; - to increase legal certainty for economic operators and in particular for the food industry. In order to achieve this the regulation defined general criteria for the use of flavouring substances in foodstuffs. On the basis of these general criteria and the opinion of the Scientific Committee for Food a positive list of flavouring substances would be drawn up using a committee procedure. Substances deemed acceptable by the Scientific Committee for Food would be included on the list, which was to be drawn up in a number of stages. After 31 December 1993 the Member States would not be able to prevent the marketing or use in foodstuffs of flavouring substances which complied with the provisions of the regulation.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 28/10/1996 - Final act

OBJECTIVE: to lay down a Community procedure for flavouring substances used or intended for use in foodstuffs. COMMUNITY MEASURE: European Parliament and Council Regulation (EC) No 2232/96. SUBSTANCE: the procedure for the establishment of rules in respect of flavouring substances is as follows: Initially, Member States should notify to the Commission a list of the flavouring substances which may, in accordance with the basic directive (Directive 88/388/EEC) be used on their territory. The Commission will then have one year to draw up a register of the notified substances which would be the subject of mutual recognition. Within ten months of the register being adopted, a programme for the evaluation of the substances contained therein will be adopted. The Commission, which will be assisted by the Standing Committee on Foodstuffs, will then have five

years to draw up, on the basis of the scientific evaluations, a 'positive list' of the flavouring substances authorized at Community level. The substances authorized will be such as not to constitute a danger to public health and whose use is not misleading. Pending the adoption of the Community list, i.e. during the period of mutual recognition, Member States may have recourse to a safeguard clause where they consider that a flavouring substance is likely to constitute a danger to public health. DATE OF ENTRY INTO FORCE: 23 November 1996.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 03/06/1994 - Modified legislative proposal

The Commission's amended proposal took over the European Parliament's amendments concerning the order of the recitals, in light of the importance of the regulation for public health. However, the Commission did not accept the amendments concerning: - the recital and articles providing for a special procedure for flavourings containing genetically modified organisms; - the transmission of draft measures to be adopted by the Commission; - the publication of flavourings in the form of codes in order to protect intellectual property; - the role of the Scientific Committee for Food in drawing up the positive lists.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 10/06/1996 - Commission opinion on Parliament's position at 2nd reading

The Commission agreed with the two amendments adopted by the European Parliament at second reading and amended its proposal accordingly. - the Commission accepted the insertion of a recital concerning the re-evaluation by the Scientific Committee for Food of substances already authorized but produced using different methods; - the Commission accepted the amendment relating to the designation of substances in the form of a positive list and agreed that intellectual property should be protected. However, a suitable, transparent procedure would be needed in order to protect both intellectual property and consumer interests.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 24/01/1996 - Commission communication on Council's position

Although the procedure for drawing up the positive list in two stages was acceptable, the Commission did not agree that the type IIIb committee procedure should be used for the adoption of the positive list.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 22/05/1996 - Text adopted by Parliament, 2nd reading

Adopting the report by Mrs Kirsten JENSEN (PSE, DK), Parliament amended at second reading the proposal for a regulation on flavouring substances used in foodstuffs. It called for already authorized flavouring substances produced in processes or with primary substances which were not the basis for the Scientific Committee for Food's assessment to be resubmitted to the Scientific Committee for Food for a complete assessment. Flavouring substances should be designated in such a way as to protect the intellectual property rights of the flavouring substances' producer.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 22/12/1995 - Council position

The common position of the Council takes into account the amendments incorporated in the amended proposal of the Commission, and notably those aimed at: - establishing a positive list of flavouring substances the use of which is authorized to the exclusion of all others; - including, in the inventory, general criteria for the evaluation of flavouring substances; - adding a recital concerning the confidentiality of data and the assurance of the protection of intellectual property connected with the development and manufacture of a flavouring substance; - ensuring that the evaluation of the safety of flavouring substances containing a genetically modified organism takes into account environmental safety as provided for in Directive 90/220/EEC; - specifying (in the annex) that flavouring substances should present no risk to the health of the consumer; must be kept under constant supervision and must be re-evaluated whenever necessary; do not mislead the consumer; cannot be authorized until the Scientific Committee for Food has delivered its opinion. In addition, the common position substantially tightens the procedures for laying down the positive list of flavourings. At the first stage this provides for: - the notification to the Commission by the Member States of the substances which may be used on their territory; - within one year from the end of the notification period the Commission will adopt after an opinion from the Standing Committee for Food an inventory of flavourings whose legal use in foodstuffs will be recognized by the other Member States; - within ten months from the adoption of the inventory, the adoption of a programme for evaluation of all substances included in the inventory. During this period, the Member States could suspend or restrict the use of a flavouring substance under a specific safeguard clause. Second stage: within five years from the adoption of the evaluation programme, the adoption by the Commission of the positive list following the Commitology procedure IIIb.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 26/06/1996

The Council agreed to take over Parliament’s amendments to the common position of 23 November 1995 and as a result adopted the regulation by qualified majority, with the French delegation abstaining.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 22/12/1995

The common position was adopted unanimously, with the French delegation abstaining.

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 27/04/1994 - Economic and Social Committee: opinion, report

Flavouring substances used or for use in foodstuffs

1993/0478(COD) - 05/05/1994 - Text adopted by Parliament, 1st reading/single reading

Parliament adopted the report by Mrs Kirsten JENSEN (PSE, DK) on the proposal for a regulation on flavouring substances intended for use in foodstuffs. The aim was to attain a high level of protection for consumers, to permit the free movement of goods within the internal market and to create greater legal certainty for economic operators, particularly those in the agri-food sector. The report highlighted that Directive 88/388/EEC could only have its full effect if the Community procedure was approved. The Scientific Committee for Food should have the final say when it came to substances that could be included on the "positive list".