



Council of the
European Union

Brussels, 3 November 2015
(OR. en)

13655/15

DENLEG 141
AGRI 565
SAN 361

COVER NOTE

From:	European Commission
date of receipt:	30 October 2015
To:	General Secretariat of the Council
No. Cion doc.:	D041458/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances

Delegations will find attached document D041458/02.

Encl.: D041458/02



Brussels, **XXX**
SANTE/10306/2015 Rev. 2
(POOL/E7/2015/10306/10306R2-
EN.doc) D041458/02
[...] (2015) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances

(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 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13¹, and in particular Article 11(3) thereof,

Having regard to 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 flavourings², and in particular Article 7(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials for use in food and their conditions of use.
- (2) Commission Implementing Regulation (EU) No 872/2012³ adopted the list of flavouring substances and introduced that list in Part A of Annex I to Regulation (EC) No 1334/2008.
- (3) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application submitted by a Member State or by an interested party.

¹ OJ L 354, 31.12.2008, p. 34.

² OJ L 354, 31.12.2008, p. 1.

³ Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC (OJ L 267, 2.10.2012, p. 1).

- (4) Part A of the Union list contains both evaluated flavouring substances, which are assigned no footnotes, and flavouring substances under evaluation, which are identified by footnote references 1 to 4 in that list.
- (5) The European Food Safety Authority (EFSA) has completed the assessment of 5 substances which are currently listed as flavouring substances under evaluation. Those flavouring substances were assessed by EFSA in the following flavouring group evaluations: evaluation FGE.12rev5⁴ (substances FL-nos. 07.041 and 07.224), FGE.63rev2⁵ (substances FL-nos. 07.099 and 07.101), and evaluation FGE.312⁶ (substance FL-no 16.126). EFSA concluded that these flavouring substances do not give rise to safety concerns at the estimated levels of dietary intake.
- (6) As part of its evaluation, EFSA has made comments on the specifications of certain of those substances. The comments are related to names, purity or composition of the substances FL-nos: 07.041, 07.224 and 07.099. Those comments should be introduced in the list.
- (7) The Union list referred to in Regulation (EC) No 1334/2008 is intended to regulate only the use of flavouring substances which are added to food in order to impart or modify odour and/or taste. Substance FL-no 16.126 could also be added to food for other purposes than flavouring and such uses remain subject to other rules. This Regulation lays down conditions of use which relate solely to its use as a flavouring substance.
- (8) The flavouring substances assessed in those evaluations should be listed as evaluated substances by deleting footnote references 1 and 2 in the relevant entries of the Union list.
- (9) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended accordingly.
- (10) 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

Part A of Annex I to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

⁴ EFSA Journal 2014; 11(12):3911.

⁵ EFSA Journal 2014; 11(4):3188.

⁶ EFSA Journal 2013; 11(10):3404.

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER