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Delegations will find attached document D053906/02.

Encl.: D053906/02



Brussels, **XXX**
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[...](2017) **XXX** draft

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

of **XXX**

amending and correcting 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 and correcting 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 (EC) 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 872/2012 of 1 October 2012³ adopted the list of flavouring substances and introduced it as Part A of Annex I to Regulation (EC) No 1334/2008.
- (3) Part A of the Union list contains both evaluated flavouring substances, which are assigned no footnotes and flavourings substances under evaluation, which are identified by footnote references 1 to 4 on the that list.
- (4) The European Food Safety Authority ('the Authority') has completed the assessment of the substances included in the Union list with the following FL numbers: 09.931, 13.058, 15.004, 15.057, 15.079, 15.109 15.113, 16.090, and 16.111. Those substances were listed as flavouring substances under evaluation in 2012. They have now been assessed by the Authority in the following flavouring group evaluations: evaluation FGE.72rev1⁴ (substance with FL-no 09.931), evaluation FGE.21rev4⁵ (substances

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 EFSA Journal 2013;11(10):3392

with FL-no 15.057 and 15.079), evaluation FGE.76rev1⁶ (substances with FL-nos. 15.004, 15.109 and 15.113), evaluations FGE.94⁷ and FGE.94rev.2⁸ (substance with FL-no 16.090), evaluations FGE.94rev.1⁹ and FGE94rev.2¹⁰ (substance with FL-no 16.111), and evaluation FGE.67rev2¹¹ (substance with FL-no. 13.058). The Authority concluded that those flavouring substances do not give rise to safety concerns at the estimated levels of dietary intakes.

- (5) Therefore, those flavouring substances should be listed as evaluated substances and the footnote references 1 to 4 should be deleted from the entries concerned.
- (6) In addition, two errors have been identified in the Union list as regards the name of the substance with FL-no. 12.054 and the identification numbers of the substance with FL-no. 17.038. Those errors should be corrected.
- (7) Part A of Annex I to Regulation (EC) No 1334/2008 should be amended and corrected accordingly.
- (8) 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*.

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

⁵ EFSA Journal 2013;11(11):3451

⁶ EFSA Journal 2013;11(11):3455

⁷ EFSA Journal 2010; 8(5):1338

⁸ EFSA Journal 2014;12(4):3622

⁹ EFSA Journal 2012;10(6):2747

¹⁰ EFSA Journal 2014;12(4):3622

¹¹ EFSA Journal 2015; 13(5):4115