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Subject:	ANNEX to the COMMISSION REGULATION (EU) .../... amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the introduction of restrictions on the use of certain flavouring substances

Delegations will find attached document D091974/02 ANNEX.

Encl.: D091974/02 ANNEX



EUROPEAN
COMMISSION

Brussels, **XXX**
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ANNEX

ANNEX

to the

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

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

ANNEX

Part A of Annex I to Regulation (EC) No 1334/2008 is amended as follows:

(1) Section 1 is amended as follows:

(a) the table containing the list of food categories is replaced with the following:

'Category number	Food Category
0.	All categories of foods
01.	Dairy products and analogues
01.1	Unflavoured pasteurised and sterilised (including UHT) milk
01.2	Unflavoured fermented milk products, including natural unflavoured buttermilk (excluding sterilised buttermilk) non-heat-treated after fermentation
01.3	Unflavoured fermented milk products, heat-treated after fermentation
01.4	Flavoured fermented milk products including heat-treated products
01.5	Dehydrated milk as defined by Directive 2001/114/EC
01.6	Cream and cream powder
01.6.1	Unflavoured pasteurised cream (excluding reduced fat creams)
01.6.2	Unflavoured live fermented cream products and substitute products with a fat content of less than 20 %
01.6.3	Other creams
01.7	Cheese and cheese products
01.7.1	Unripened cheese excluding products falling in category 16
01.7.2	Ripened cheese
01.7.3	Edible cheese rind
01.7.4	Whey cheese
01.7.5	Processed cheese
01.7.6	Cheese products (excluding products falling in category 16)

01.8	Dairy analogues, including beverage whiteners
01.9	Edible caseinates
02.	Fats and oils and fat and oil emulsions
02.1	Fats and oils essentially free from water (excluding anhydrous milkfat)
02.2	Fat and oil emulsions mainly of type water-in-oil
02.2.1	Butter and concentrated butter and butter oil and anhydrous milkfat
02.2.2	Other fat and oil emulsions including spreads as defined by Regulation (EC) No 1234/2007 and liquid emulsions
02.3	Vegetable oil pan spray
03.	Edible ices
04.	Fruit and vegetables
04.1	Unprocessed fruit and vegetables
04.1.1	Entire fresh fruit and vegetables
04.1.2	Peeled, cut and shredded fruit and vegetables
04.1.3	Frozen fruit and vegetables
04.2	Processed fruit and vegetables
04.2.1	Dried fruit and vegetables
04.2.2	Fruit and vegetables in vinegar, oil, or brine
04.2.3	Canned or bottled fruit and vegetables
04.2.4	Fruit and vegetable preparations, excluding products covered by 5.4
04.2.4.1	Fruit and vegetable preparations excluding compote
04.2.4.2	Compote, excluding products covered by category 16
04.2.5	Jam, jellies and marmalades and similar products
04.2.5.1	Extra jam and extra jelly as defined by Directive 2001/113/EC

04.2.5.2	Jam, jellies and marmalades and sweetened chestnut puree as defined by Directive 2001/113/EC
04.2.5.3	Other similar fruit or vegetable spreads
04.2.5.4	Nut butters and nut spreads
04.2.6	Processed potato products
05.	Confectionery
05.1	Cocoa and chocolate products as covered by Directive 2000/36/EC
05.2	Other confectionery including breath refreshing microsweets
05.3	Chewing gum
05.4	Decorations, coatings and fillings, except fruit based fillings covered by category 4.2.4
06.	Cereals and cereal products
06.1	Whole, broken, or flaked grain
06.2	Flours and other milled products and starches
06.2.1	Flours
06.2.2	Starches
06.3	Breakfast cereals
06.4	Pasta
06.4.1	Fresh pasta
06.4.2	Dry pasta
06.4.3	Fresh pre-cooked pasta
06.4.4	Potato gnocchi
06.4.5	Fillings of stuffed pasta (ravioli and similar)
06.5	Noodles

06.6	Batters
06.7	Pre-cooked or processed cereals
07.	Bakery wares
07.1	Bread and rolls
07.1.1	Bread prepared solely with the following ingredients: wheat flour, water, yeast or leaven, salt
07.1.2	Pain courant français; Friss búzakenyér, fehér és félbarna kenyerek
07.2	Fine bakery wares
08.	Meat
08.1	Fresh meat, excluding meat preparations as defined by Regulation (EC) No 853/2004
08.2	Meat preparations as defined by Regulation (EC) No 853/2004
08.3	Meat products
08.3.1	Non-heat-treated meat products
08.3.2	Heat-treated meat products
08.3.3	Casings and coatings and decorations for meat
08.3.4	Traditional and traditionally cured meat products with specific provisions concerning nitrites and nitrates
08.3.4.1	Traditional immersion cured products (Meat products cured by immersion in a curing solution containing nitrites and/or nitrates, salt and other components)
08.3.4.2	Traditional dry cured products. (Dry curing process involves dry application of curing mixture containing nitrites and/or nitrates, salt and other components to the surface of the meat followed by a period of stabilisation/maturation)
08.3.4.3	Other traditional and traditionally cured products (including immersion and dry cured processes used in combination or where nitrite and/or nitrate is included in a compound product or where the curing solution is injected into the product prior to cooking)
09.	Fish and fisheries products
09.1	Unprocessed fish and fisheries products
09.1.1	Unprocessed fish

09.1.2	Unprocessed molluscs and crustaceans
09.2	Processed fish and fishery products including mollusks and crustaceans
09.3	Fish roe
10.	Eggs and egg products
10.1	Unprocessed eggs
10.2	Processed eggs and egg products
11.	Sugars, syrups, honey and table-top sweeteners
11.1	Sugars and syrups as defined by Directive 2001/111/EC
11.2	Other sugars and syrups
11.3	Honey as defined in Directive 2001/110/EC
11.4	Table-top sweeteners
11.4.1	Table-top sweeteners in liquid form
11.4.2	Table-top sweeteners in powder form
11.4.3	Table-top sweeteners in tablets
12.	Salts, spices, soups, sauces, salads and protein products
12.1	Salt and salt substitutes
12.1.1	Salt
12.1.2	Salt substitutes
12.2	Herbs, spices, seasonings
12.2.1	Herbs and spices
12.2.2	Seasonings and condiments
12.3	Vinegars and diluted acetic acid (diluted with water to 4-30 % by volume)
12.4	Mustard
12.5	Soups and broths
12.6	Sauces
12.7	Salads and savoury based sandwich spreads
12.8	Yeast and yeast products

12.9	Protein products, excluding products covered in category 1.8
13.	Foods intended for particular nutritional uses as defined by Directive 2009/39/EC
13.1	Foods for infants and young children
13.1.1	Infant formulae as defined by Commission Directive 2006/141/EC ⁽¹⁾
13.1.2	Follow-on formulae as defined by Directive 2006/141/EC
13.1.3	Processed cereal-based foods and baby foods for infants and young children as defined by Commission Directive 2006/125/EC ⁽²⁾
13.1.4	Other foods for young children
13.1.5	Dietary foods for infants and young children for special medical purposes as defined by Commission Directive 1999/21/EC ⁽³⁾ and special formulae for infants
13.1.5.1	Dietary foods for infants for special medical purposes and special formulae for infants
13.1.5.2	Dietary foods for babies and young children for special medical purposes as defined in Directive 1999/21/EC
13.2	Dietary foods for special medical purposes defined in Directive 1999/21/EC (excluding products from food category 13.1.5)
13.3	Dietary foods for weight control diets intended to replace total daily food intake or an individual meal (the whole or part of the total daily diet)
13.4	Foods suitable for people intolerant to gluten as defined by Commission Regulation (EC) No 41/2009 ⁽⁴⁾
14.	Beverages
14.1	Non-alcoholic beverages
14.1.1	Water, including natural mineral water as defined in Directive 2009/54/EC and spring water and all other bottled or packed waters
14.1.2	Fruit juices as defined by Directive 2001/112/EC and vegetable juices
14.1.3	Fruit nectars as defined by Directive 2001/112/EC and vegetable nectars and similar products
14.1.4	Flavoured drinks
14.1.5	Coffee, tea, herbal and fruit infusions, chicory; tea, herbal and fruit infusions and chicory extracts; tea, plant, fruit and cereal preparations for infusions, as

	well as mixes and instant mixes of these products
14.1.5.1	Coffee, coffee extracts
14.1.5.2	Other
14.2	Alcoholic beverages, including alcohol-free and low-alcohol counterparts
14.2.1	Beer and malt beverages
14.2.2	Wine and other products defined in Part II of Annex VII to Regulation (EU) No 1308/2013
14.2.3	Cider and perry
14.2.4	Fruit wine and made wine
14.2.5	Mead
14.2.6	Spirit drinks as defined in Regulation (EU) 2019/787
14.2.7	Aromatised wine products as defined by Regulation (EU) No 251/2014
14.2.7.1	Aromatised wines
14.2.7.2	Aromatised wine-based drinks
14.2.7.3	Aromatised wine-product cocktails
14.2.8	Other alcoholic beverages including mixtures of alcoholic beverages with non-alcoholic beverages and other alcoholic beverages based on distilled alcohol with alcoholic strength by volume less than 15 %
15.	Ready-to-eat savouries and snacks
15.1	Potato-, cereal-, flour- or starch-based snacks
15.2	Processed nuts
16.	Desserts excluding products covered in categories 1, 3 and 4
17.	Food supplements as defined in Directive 2002/46/EC
17.1	Food supplements supplied in a solid form, excluding food supplements for infants and young children
17.2	Food supplements supplied in a liquid form, excluding food supplements for infants and young children
18.	Processed foods not covered by categories 1 to 17, excluding foods for infants and young children
(1) OJ L 401, 30.12.2006, p. 1.	

(²) OJ L 339, 6.12.2006, p. 16.

(³) OJ L 91, 7.4.1999, p. 29.

(⁴) OJ L 16, 21.1.2009, p. 3.'

(b) under Column 8 (footnotes), the following footnote is added:

‘(⁵) additional scientific data shall be submitted in a timeframe agreed with the Commission Services, for the evaluation to be completed by the Authority.’

(2) in Table 1 in Section 2, entries 05.062, 05.099 and 05.100 are replaced by the following:

05.062	2-Phenylcrotonaldehyde	4411-89-6	1474	670		<p>In category 1.4 – not more than 0.50 mg/kg</p> <p>In category 1.7 – not more than 1.40 mg/kg</p> <p>In category 1.8 – not more than 1.30 mg/kg</p> <p>In category 2.1, 2.2, 2.3 – not more than 1.60 mg/kg</p> <p>In category 3.0 – not more than 1.15 mg/kg</p> <p>In category 4.2 – not more than 0.05 mg/kg</p> <p>In category 4.2.2 – not more than 0.20 mg/kg</p> <p>In category 04.2.5 – not more than 0.30 mg/kg</p> <p>In category 5.1 – not more than 2.00 mg/kg</p> <p>In category 5.2 – not more than 2.00 mg/kg</p> <p>In category 5.3 – not more than 2.00 mg/kg</p> <p>In category 5.4 – not more</p>	5	EFSA
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						<p>than 1.10 mg/kg</p> <p>In category 6.3 – not more than 2.00 mg/kg</p> <p>In category 6.4 – not more than 0.04 mg/kg</p> <p>In category 6.6 – not more than 0.30 mg/kg</p> <p>In category 6.7 – not more than 0.60 mg/kg</p> <p>In category 7.1 – not more than 2.00 mg/kg</p> <p>In category 7.2 – not more than 2.00 mg/kg</p> <p>In category 8.2, 8.3 – not more than 0.80 mg/kg</p> <p>In category 9.2, 9.3 – not more than 0.50 mg/kg</p> <p>In category 10.2, – not more than 0.20 mg/kg</p> <p>In category 11.2 – not more than 1.5 mg/kg</p> <p>In category 12.2 – not more than 0.60 mg/kg</p> <p>In category 12.3 – not more than 1.80 mg/kg</p> <p>In category 12.4 – not more</p>		
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						<p>than 0.20 mg/kg</p> <p>In category 12.5 – not more than 0.40 mg/kg</p> <p>In category 12.6 – not more than 1.90 mg/kg</p> <p>In category 12.7 – not more than 0.20 mg/kg</p> <p>In category 12.9 – not more than 2.00 mg/kg</p> <p>In category 13.2, 13.3, 13.4 – not more than 2.00 mg/kg</p> <p>In category 14.1 – not more than 2.00 mg/kg</p> <p>In category 14.2.1 – not more than 0.20 mg/kg</p> <p>In category 14.2.2 – not more than 0.30 mg/kg</p> <p>In category 14.2.5 – not more than 0.50 mg/kg</p> <p>In category 14.2.6 – not more than 1.50 mg/kg</p> <p>In category 15.0 – not more than 2.00 mg/kg</p> <p>In category 16 – not more than 2.00 mg/kg</p> <p>In category 18.0 – not more</p>		
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						than 0.40 mg/kg		
05.099	5-Methyl-2-phenylhex-2-enal	21834-92-4	1472	10365		<p>In category 1.4 – not more than 5.00 mg/kg</p> <p>In category 1.7 – not more than 3.20 mg/kg</p> <p>In category 1.8 – not more than 5.00 mg/kg</p> <p>In category 2.1, 2.2, 2.3 – not more than 5.00 mg/kg</p> <p>In category 3.0 – not more than 5.00 mg/kg</p> <p>In category 4.2 – not more than 1.10 mg/kg</p> <p>In category 4.2.2 – not more than 0.50 mg/kg</p> <p>In category 4.2.5 – not more than 2.70 mg/kg</p> <p>In category 5.1 – not more than 5.00 mg/kg</p> <p>In category 5.2 – not more than 5.00 mg/kg</p> <p>In category 5.3 – not more than 5.00 mg/kg</p> <p>In category 5.4 – not more</p>	5	EFSA

						<p>than 5.00 mg/kg</p> <p>In category 6.3 – not more than 2.10 mg/kg</p> <p>In category 6.4 – not more than 0.30 mg/kg</p> <p>In category 6.6 – not more than 3.00 mg/kg</p> <p>In category 6.7 – not more than 0.06 mg/kg</p> <p>In category 7.1 – not more than 5.00 mg/kg</p> <p>In category 7.2 – not more than 5.00 mg/kg</p> <p>In category 8.2, 8.3 – not more than 0.20 mg/kg</p> <p>In category 9.2, 9.3 – not more than 5.00 mg/kg</p> <p>In category 10.2 – not more than 0.50 mg/kg</p> <p>In category 11.1 – not more than 2.40 mg/kg</p> <p>In category 11.2 – not more than 5 mg/kg</p> <p>In category 11.4 – not more than 0.02 mg/kg</p> <p>In category 12.2 – not more</p>		
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						<p>than 5.00 mg/kg</p> <p>In category 12.3 – not more than 3.00 mg/kg</p> <p>In category 12.4 – not more than 5.00 mg/kg</p> <p>In category 12.5 – not more than 0.20 mg/kg</p> <p>In category 12.6 – not more than 1.60 mg/kg</p> <p>In category 12.7 – not more than 0.60 mg/kg</p> <p>In category 12.9 – not more than 5.00 mg/kg</p> <p>In category 13.2, 13.3, 13.4 – not more than 1.10 mg/kg</p> <p>In category 14.1 – not more than 5.00 mg/kg</p> <p>In category 14.2.1 – not more than 1.25 mg/kg</p> <p>In category 14.2.2 – not more than 5.00 mg/kg</p> <p>In category 14.2.5 – not more than 5.00 mg/kg</p> <p>In category 14.2.6 – not more than 5.00 mg/kg</p> <p>In category 15.0 – not more</p>		
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						<p>than 5.00 mg/kg</p> <p>In category 16 – not more than 5.00 mg/kg</p> <p>In category 17 – not more than 5.00 mg/kg</p> <p>In category 18.0 – not more than 2.30 mg/kg</p>		
05.100	4-Methyl-2-phenylpent-2-enal	26643-91-4	1473	10366		<p>In category 1.4 – not more than 0.60 mg/kg</p> <p>In category 1.7 – not more than 5.00 mg/kg</p> <p>In category 1.8 – not more than 0.50 mg/kg</p> <p>In category 2.1, 2.2, 2.3 – not more than 5.00 mg/kg</p> <p>In category 3.0 – not more than 0.60 mg/kg</p> <p>In category 4.2 – not more than 0.09 mg/kg</p> <p>In category 4.2.2 – not more than 1.50 mg/kg</p> <p>In category 4.2.5 – not more than 0.20 mg/kg</p> <p>In category 5.1 – not more</p>	5	EFSA

						<p>than 2.00 mg/kg</p> <p>In category 5.2 – not more than 5.00 mg/kg</p> <p>In category 5.3 – not more than 5.00 mg/kg</p> <p>In category 5.4 – not more than 5.00 mg/kg</p> <p>In category 6.3 – not more than 5.00 mg/kg</p> <p>In category 6.4 – not more than 1.50 mg/kg</p> <p>In category 6.6 – not more than 3.00 mg/kg</p> <p>In category 6.7 – not more than 0.20 mg/kg</p> <p>In category 7.1 – not more than 5.00 mg/kg</p> <p>In category 7.2 – not more than 5.00 mg/Kg</p> <p>In category 8.2, 8.3 – not more than 1.50 mg/kg</p> <p>In category 9.2, 9.3 – not more than 1.50 mg/kg</p> <p>In category 10.2 – not more than 1.50 mg/kg</p> <p>In category 11.2 – not more</p>		
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						<p>than 0.10 mg/kg</p> <p>In category 12.2 – not more than 0.90 mg/kg</p> <p>In category 12.3 – not more than 1.50 mg/kg</p> <p>In category 12.4 – not more than 1.50 mg/kg</p> <p>In category 12.5 – not more than 0.80 mg/kg</p> <p>In category 12.6 – not more than 1.50 mg/kg</p> <p>In category 12.7 – not more than 1.50 mg/kg</p> <p>In category 12.9 – not more than 5.00 mg/kg</p> <p>In category 13.2, 13.3, 13.4 – not more than 5.00 mg/kg</p> <p>In category 14.2.1 – not more than 0.08 mg/kg</p> <p>In category 14.2.2 – not more than 0.08 mg/kg</p> <p>In category 14.2.5 – not more than 0.08 mg/kg</p> <p>In category 14.2.6 – not more than 0.08 mg/kg</p> <p>In category 15.0 – not more</p>		
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						<p>than 1.8 mg/kg</p> <p>In category 16 – not more than 4.00 mg/kg</p> <p>In category 17 – not more than 0.60 mg/kg'</p>		
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