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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.10.2008  
COM(2008) 606 final

2006/0147 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding 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**

**AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the  
EC Treaty**

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**1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by the Parliament.

**2. BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM((2006)0427 final – 2006/0147(COD):	28 July 2006
Date of the opinion of the European Economic and Social Committee:	25 April 2007
Date of the opinion of the European Parliament, first reading:	10 July 2007
Date of transmission of the amended proposal:	24 October 2007
Date of political agreement	17 December 2007
Date of adoption of the common position:	10 March 2008
Date of the opinion of the European Parliament (Second Reading)	8 July 2008

**3. PURPOSE OF THE PROPOSAL**

Council Directive 88/388/EEC sets out the definition of flavourings, general rules for their use, and requirements for labelling and maximum levels for substances which raise concern for human health. It provides that Community legislation relating to flavourings should take account primarily of human health requirements.

The Directive needs to be substantially amended, to take into account technological and scientific developments in the area of flavourings. In addition, as a result of the adoption of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety, certain provisions need to be adapted and others need to be newly introduced.

In the interest of clarity and efficiency, Directive 88/388/EEC is replaced by the present proposal. The main objectives are:

- to clarify the scope of legislation on flavourings;
- to modernise and adapt the existing legislation on flavourings to technological and scientific developments;
- to establish clear evaluation and authorisation procedures;
- to better inform the consumer about the use of natural flavourings;
- to adapt to the requirements of Regulation (EC) N° 882/2004 on official controls performed to ensure the verification with feed and food law, animal health and animal welfare rules.

The proposed Regulation on flavourings forms part of the package of proposals on 'food improvement agents'. This package of proposals refers to food additives, food enzymes and flavourings. It contributes to the Commission's simplification programme and also provides for harmonisation not only in their respective fields but also promotes consistency between the three related areas. An additional fourth proposal within the package will establish a single common authorisation procedure for the evaluation and approval of these substances.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

- The EP voted in second reading a consolidated text which contains a number of amendments to the text of the Common Position. The text is the result of negotiations between the Council, the EP and the Commission. The amendments are mainly of technical nature and are generally in line with and strengthen the key principles of the initial proposal. Of particular note are the amendments which will exempt certain aspects of the legislation from applying when only herbs and spices have been added to food. Other amendments concern the clarification of the interplay between the proposed Regulation on food additives and Regulation (EC) No 1829/2003 on genetically modified food and feed and also creating more legal certainty for producers and users of flavourings by extending the deadline for the adoption of the community list of flavouring substances. Other amendments strengthen the precautionary principle and further clarify the principle of not misleading the consumer. Additionally a number of technical changes have been introduced as a result of the replacement of the spirit drink Regulation (EEC) No 1576/89 by a new Regulation (EC) No 110/2008.

- The Commission accepts all the amendments voted by the EP. The outcome of the second reading in the EP was very satisfactory.

## **5. CONCLUSION**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.