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AMENDMENTS 21-111

Draft report

(PE 384.469v01-00)

Mojca Drčar Murko

Flavourings and certain food ingredients with flavouring properties for use in and on foods

Proposal for a regulation (COM(2006)0427 – C6-0259/2006 – 2006/0147(COD))

Proposal for a regulation

Text proposed by the Commission

Amendments by Parliament

Amendment by Urszula Krupa

Amendment 21

RECITAL 5

(5) In order to protect human health the scope of this Regulation should cover flavourings, source materials for flavourings and foods containing flavourings. It should also cover certain food ingredients with flavouring properties which are added to food for the main purpose of adding flavour and which contribute significantly to the presence in food of certain naturally occurring undesirable substances ('food ingredients with flavouring properties'), their source material and foods containing them.

(5) In order to protect human health the scope of this Regulation should cover flavourings, source materials *and intermediates* for flavourings and foods containing flavourings. It should also cover certain food ingredients with flavouring properties which are added to food for the main purpose of adding flavour and which contribute significantly to the presence in food of certain naturally occurring undesirable substances ('food ingredients with flavouring properties'), their source material *and intermediates* and foods containing them.

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Justification

In food industry production processes, not only source materials (here understood as basic raw materials) and flavourings are used but also, and above all, intermediates processed to varying degrees and obtained by various technological processes (see Annex II – List of traditional food preparation processes by which natural flavouring substances and natural flavouring preparations are obtained).

Amendment by Edite Estrela

Amendment 22
RECITAL 5 A (NEW)

(5a) This Regulation should not apply to certain substances which have exclusively a sweet, sour or salty taste, to unprocessed foods as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs¹ and to non-compound foods.

¹ OJ L 139, 30.4.2004, p. 1.

Justification

It is necessary to clarify Article 2(2)b).

Amendment by John Bowis

Amendment 23
RECITAL 6

(6) Flavourings and food ingredients with flavouring properties may only be used if they fulfil the criteria laid down in this Regulation. They must be safe when used, and certain flavourings should, therefore, undergo a risk assessment before they can be permitted in food. They should not mislead the consumer and their presence in food should, therefore, always be indicated by

(6) Flavourings and food ingredients with flavouring properties may only be used if they fulfil the criteria laid down in this Regulation. They must be safe when used, and certain flavourings should, therefore, undergo a risk assessment before they can be permitted in food. ***Where possible, attention should be given to whether or not there could be any negative consequences for***

appropriate labelling.

vulnerable groups, including the development of taste preferences in children. They should not mislead the consumer and their presence in food should, therefore, always be indicated by appropriate labelling.

Or. en

Amendment by Carl Schlyter and Bart Staes

Amendment 24

RECITAL 6

(6) Flavourings and food ingredients with flavouring properties may only be used if they fulfil the criteria laid down in this Regulation. They must be safe when used, and certain flavourings should, therefore, undergo a risk assessment before they can be permitted in food. They should not mislead the consumer **and** their presence in food should, **therefore**, always be indicated by appropriate labelling.

(6) Flavourings and food ingredients with flavouring properties may only be used if they fulfil the criteria laid down in this Regulation. They must be safe when used, and certain flavourings should, therefore, undergo a risk assessment before they can be permitted in food. They should not mislead the consumer **concerning freshness, nutritional quality of the ingredients and naturalness of a food product. On the contrary, their use must be a technological necessity and be of a clear benefit to the consumer.** Their presence in food should always be indicated by appropriate labelling.

Or. en

Justification

As in the current legislation on food additives, a clear benefit for the consumer must be a central requirement in the authorisation process for flavourings.

Amendment by David Martin and Åsa Westlund

Amendment 25

RECITAL 6

(6) Flavourings and food ingredients with flavouring properties may only be used if they fulfil the criteria laid down in this Regulation. They must be safe when used,

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and certain flavourings should, therefore, undergo a risk assessment before they can be permitted in food. They should not mislead the consumer and ***their use must be a technological necessity and bring a benefit for the consumer.*** Their presence in food should, therefore, always be indicated by appropriate labelling.

Or. en

Justification

The use of flavourings must have technological necessity and bring a benefit to the consumer.

Amendment by Urszula Krupa

Amendment 26
RECITAL 8

(8) Due to their natural occurrence in plants, undesirable substances might be present in flavouring preparations and food ingredients with flavouring properties. The plants are used traditionally as food or food ingredients. Appropriate maximum levels should be established for the presence of these undesirable substances in foods which contribute most to the human intake of these substances, taking into account both the need to protect human health and their unavoidable presence in traditional foods.

(8) Due to their natural occurrence in plants, undesirable substances might be present in flavouring preparations and food ingredients with flavouring properties. The plants are used traditionally as food or food ingredients. Appropriate maximum levels should be established for the presence of these undesirable substances in foods which contribute most to the human intake of these substances, ***which may have allergenic, mutagenic or carcinogenic effects,*** taking into account both the need to protect human health and their unavoidable presence in traditional foods.

Or. pl

Justification

The flavouring substances contained in, for example, natural honey, can cause a reaction in people prone to this type of allergy. Some flavouring substances (e.g. in the aromatic hydrocarbons group) have a carcinogenic effect.

Amendment by Carl Schlyter and Bart Staes

Amendment 27
RECITAL 11

(11) In order to ensure harmonisation, the risk assessment and approval of flavourings and source materials that need to undergo an evaluation should be carried out in accordance with the procedure laid down in Regulation (EC) No [...] establishing a common approval procedure for food additives, food enzymes and food flavourings.

(11) In order to ensure harmonisation, the risk assessment and approval of flavourings and source materials that need to undergo an evaluation should be carried out in accordance with ***the precautionary principle*** and the procedure laid down in Regulation (EC) No [...] establishing a common approval procedure for food additives, food enzymes and food flavourings.

Or. en

Justification

The precautionary principle should be in the centre of the risk assessment of flavourings.

Amendment by Urszula Krupa

Amendment 28
RECITAL 11

(11) In order to ensure harmonisation, the risk assessment and approval of flavourings and source materials that need to undergo an evaluation should be carried out in accordance with the procedure laid down in Regulation (EC) No [...] establishing a common approval procedure for food additives, food enzymes and food flavourings.

(11) In order to ensure harmonisation, the risk assessment and approval of flavourings, ***intermediates*** and source materials that need to undergo an evaluation should be carried out in accordance with the procedure laid down in Regulation (EC) No [...] establishing a common approval procedure for food additives, food enzymes and food flavourings.

Or. pl

Justification

In food industry production processes, not only source materials (here understood as basic raw materials) and flavourings are used but also, and above all, intermediates processed to varying degrees and obtained by various technological processes (see Annex II – List of traditional food preparation processes by which natural flavouring substances and natural flavouring preparations are obtained).

Amendment by Edite Estrela

Amendment 29

RECITAL 12

(12) Flavouring substances are chemically defined substances with flavouring properties. An evaluation programme of flavouring substances is ongoing in accordance with Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs. Under that Regulation a list of flavouring substances is to be adopted within five years of adoption of that programme. A new deadline should be set for the adoption of that list. That list will be proposed for inclusion in the list referred to in Article 2(1) of Regulation (EC) No [...].

(12) Flavouring substances are chemically defined substances with flavouring properties. An evaluation programme of flavouring substances is ongoing in accordance with Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs. Under that Regulation a list of flavouring substances is to be adopted within five years of adoption of that programme. A new deadline should be set for the adoption of that list. That list will be proposed for inclusion in the list referred to in Article 2(1) of Regulation (EC) No [...].

A new deadline should be set for the adoption of that list after which Regulation (EC) No 2232/96 will be repealed.

Or. en

Justification

Council Directive 88/388/EEC of 22 June 1988 will be repealed by this proposal, but on the other hand the scope of Regulation (EC) No 2232/96 is Directive 88/388/EEC.

Amendment by Carl Schlyter and Bart Staes

Amendment 30

RECITAL 13

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable, animal or mineral origin, by appropriate physical, enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption.
Flavouring preparations produced from food do not need to undergo an evaluation

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable, animal or mineral origin, by appropriate physical, enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption. The safety of flavouring preparations should be evaluated prior to approval.

or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety of flavouring preparations produced from non-food material should be evaluated prior to approval.

Or. en

Amendment by Edite Estrela

Amendment 31
RECITAL 13

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable, animal *or mineral* origin, by appropriate physical, enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption. Flavouring preparations produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety of flavouring preparations produced from non-food material should be evaluated prior to approval.

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable *or* animal origin, by appropriate physical, enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption. Flavouring preparations produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety of flavouring preparations produced from non-food material should be evaluated prior to approval.

Or. en

Justification

There are no flavouring preparations obtained from materials of mineral origin.

Amendment by Urszula Krupa

Amendment 32
RECITAL 13

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable, animal or mineral origin, by appropriate physical,

(13) Flavouring preparations are flavourings other than chemically defined substances obtained from materials of vegetable, animal or *synthetic* origin, by

enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption. Flavouring preparations produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety of flavouring preparations produced from non-food material should be evaluated prior to approval.

appropriate physical, enzymatic or microbiological processes, either in the raw state of the material or after processing for human consumption. Flavouring preparations produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety *in health terms* of flavouring preparations produced from non-food material should be evaluated prior to approval.

Or. pl

Justification

The word 'mineral' is replaced with the word 'synthetic' in order to indicate the non-natural origin of flavouring substances obtained by chemical synthesis that do not have identical chemical properties to natural substances present in products of vegetable or animal origin. To define terms.

Amendment by Carl Schlyter and Bart Staes

Amendment 33 RECITAL 14

(14) Regulation (EC) No 178/2002 defines food as any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. Materials of vegetable, animal or microbiological origin, for which hitherto there is significant evidence of use for the production of flavourings, **are** considered as food materials for this purpose, **even though some of these source materials, such as rose wood, oak wood chips and strawberry leaves, may not have been used for food as such. They do not need to be evaluated.**

(14) Regulation (EC) No 178/2002 defines food as any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. Materials of vegetable, animal or microbiological origin, for which hitherto there is significant evidence of use for the production of flavourings, **can be** considered as food materials for this purpose. **However, the safety of such flavouring preparations should be evaluated prior to approval.**

Or. en

Amendment by Edite Estrela

Amendment 34
RECITAL 16

(16) Regulation (EC) No 2065/2003/EC of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods, lays down a procedure for the safety assessment and approval of smoke flavourings and aims to establish a list of primary smoke condensates and primary tar fractions the use of which is authorised to the exclusion of all others.

(16) Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods, lays down a procedure for the safety assessment and approval of smoke flavourings and aims to establish a list of primary smoke condensates and primary tar fractions the use of which is authorised to the exclusion of all others. ***References to Directive 88/388/EEC in Regulation (EC) No 2065/2003 should be construed as references to this Regulation.***

Or. en

Justification

The definitions and the recitals of Regulation (EC) No 2065/2003 refer to Directive 88/388/EEC, which is repealed.

Amendment by Urszula Krupa

Amendment 35
RECITAL 17

(17) Flavour precursors impart flavour to food by chemical reactions occurring during food processing. Flavour precursors produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their safety. However, the safety of flavour precursors produced from non-food material should be evaluated prior to approval.

(17) Flavour precursors impart flavour to food by chemical reactions occurring during food processing. Flavour precursors produced from food do not need to undergo an evaluation or an approval procedure for use in and on foods unless there is doubt about their ***safe use***. However, the safety ***in health terms*** of flavour precursors produced from non-food material should be evaluated prior to approval.

Or. pl

Justification

Protecting human health and ensuring that food is health and safe are the central tenets of

this regulation.

Amendment by Edite Estrela

Amendment 36
RECITAL 20

(20) *A flavouring or a source material* which *falls* under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be ***authorised according to*** that Regulation, ***prior to its approval*** under this Regulation.

(20) ***Flavourings and food ingredients with flavouring properties containing, consisting of or produced from GMOs*** which *fall* under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be ***subject to the safety assessment of the genetic modification in accordance with*** that Regulation, ***while the final authorisation should be granted*** under this Regulation.

Or. en

Justification

Two different authorisation procedures should be avoided.

Amendment by Mojca Drčar Murko

Amendment 37
RECITAL 20

(20) A flavouring or a source material which falls under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be ***authorised according to that Regulation, prior to its approval*** under this Regulation.

(20) A flavouring or a source material which falls under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be ***subject to the authorisation procedure under that Regulation with regard to the safety assessment of the genetic modification, while the final authorisation of the flavouring or source material should be granted*** under this Regulation.

Or. en

Amendment by Avril Doyle

Amendment 38
RECITAL 20

(20) A flavouring **or a source** material which falls under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be authorised according to that Regulation, prior to **its approval** under this Regulation.

(20) A flavouring **sourced from a** material which falls under the scope of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed should be authorised according to that Regulation, prior to **or simultaneously with authorisation** under this Regulation.

Or. en

Justification

Sections of the proposals could be misinterpreted as requiring companies to submit multiple, sequential and duplicative EFSA safety assessments and authorisations for certain plant-derived flavourings (as well as enzymes and food additives). While such duplication is not the intent of the proposed legislation, it is important to remove this ambiguity so as to avoid confusion and potential market disruption.

Amendment by Urszula Krupa

Amendment 39
RECITAL 21

(21) Flavouring substances or flavouring preparations should only be labelled as 'natural' if they comply with certain criteria which ensure that consumers are not misled.

(21) Flavouring substances or flavouring preparations should only be labelled as 'natural' **or 'synthetic'** if they comply with certain criteria which ensure that consumers are not misled.

Or. pl

Justification

Labelling products as 'natural' or 'synthetic' will prevent consumers from being misled.

Amendment by Edite Estrela

Amendment 40
RECITAL 22 A (NEW)

(22a) Food flavourings should remain subject to the general labelling obligations as provided for in Directive 2000/13/EC and, where appropriate, in Regulation (EC) No 1829/2003. In addition, specific provisions on labelling of food additives sold as such to the manufacturer or to the final consumer should be included in this Regulation.

Or. en

Justification

It is necessary to include the provisions applicable to the labelling of food flavourings in a recital, to justify Article 15 .

Amendment by Edite Estrela

Amendment 41
RECITAL 23

(23) Consumers should be informed if the smoky taste of a particular food is due to the addition of smoke flavourings. In accordance with Article 5 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, the name under which the product is sold should not confuse the consumer as to whether the product is smoked conventionally with fresh smoke or treated with smoke flavourings. *This* Directive needs to be adapted to the definitions of flavourings, smoke flavourings and the term ‘natural’ for the description of flavourings laid down in the present Regulation.

(23) Consumers should be informed if the smoky taste of a particular food is due to the addition of smoke flavourings. In accordance with Article 5 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, the name under which the product is sold should not confuse the consumer as to whether the product is smoked conventionally with fresh smoke or treated with smoke flavourings. *That* Directive needs to be adapted to the definitions of flavourings, smoke flavourings and the term ‘natural’ for the description of flavourings laid down in the present Regulation ***for the labelling to the final consumer.***

Justification

Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 concerns the labelling of foodstuffs to be delivered as such to the ultimate consumer and to mass caterers.

Amendment by Urszula Krupa

Amendment 42
ARTICLE 1, POINT (B)

(b) conditions of use of flavourings and food ingredients with flavouring properties in and on foods;

(b) conditions of use of flavourings and food ingredients with flavouring properties in and on foods ***and their permissible concentrations***;

Or. pl

Justification

The use of flavourings (particularly synthetic flavourings) in excessive and technologically unwarranted concentrations can expose consumers to health risks. Article 5(2) of and Annexes IIIB and V to this regulation deal with the permissible concentrations of various substances.

Amendment by Mojca Drčar Murko

Amendment 43
ARTICLE 2, PARAGRAPH 1, POINT (A)

(a) flavourings which are used or intended to be used in or on foods, ***with the exception of smoke flavourings falling within the scope of Regulation (EC) No 2065/2003***;

(a) flavourings which are used or intended to be used in or on foods, ***without prejudice to more specific provisions laid down in Regulation (EC) No 2065/2003***;

Or. en

Justification

In the interest of consistency and clarity all legislation relating to the safety and use of flavourings should be within the scope of this Regulation. Smoke flavourings are already specifically regulated under Regulation (EC) No 2065/2003.

Amendment by Mojca Drčar Murko

Amendment 44
ARTICLE 2, PARAGRAPH 1, POINT (C)

(c) food containing flavourings **and** food ingredients with flavouring properties;

(c) food containing flavourings **and/or** food ingredients with flavouring properties;

Or. en

Justification

The wording proposed is not consistent with the title of Part B of Annex III, nor with Article 26 relating to the labelling of flavoured foodstuffs. Therefore 'or' should be added to 'and' since the wording would otherwise exclude from the scope food containing only flavourings and food containing only food ingredients with flavouring properties.

Amendment by Edite Estrela

Amendment 45
ARTICLE 2, PARAGRAPH 1, POINT (C)

(c) food containing flavourings **and** food ingredients with flavouring properties;

(c) food containing flavourings **and/or** food ingredients with flavouring properties;

Or. en

Justification

It is necessary to clarify the scope of Part B of Annex III. The proposal as it is only covers food containing both flavourings and food ingredients with flavouring properties and it must include food containing either one or the other of these types of ingredients.

Amendment by Edite Estrela

Amendment 46
ARTICLE 2, PARAGRAPH 2, POINT (B)

(b) **raw or non-compound** foods.

(b) **unprocessed** foods.

Or. en

Justification

This terminology should be consistent with the same meaning foreseen in the 'additives proposal' and be well defined. Otherwise, if 'raw or non-compound' refers to unprocessed foods, reference to the legal definition in force should be made, as included in the Regulation (EC) No 852/2004 (linked with the new recital 5).

Amendment by Mojca Drčar Murko

Amendment 47

ARTICLE 2, PARAGRAPH 2, POINT (B)

(b) raw or non-compound foods.

(b) raw or non-compound foods ***such as, but not exclusively, spices, herbs or tea/herbal infusions as such.***

Or. en

Justification

In order to improve clarity it would be useful to include some examples of food considered to be raw or non-compound, since it remains unclear to what extent, for example, herbal and fruit teas and traditional spice mixtures would fall within the Regulation's scope.

Amendment by Ria Oomen-Ruijten and Lambert van Nistelrooij

Amendment 48

ARTICLE 2, PARAGRAPH 2, POINT (B)

(b) raw or non-compound foods.

(b) raw or non-compound foods ***such as, but not exclusively, spices, herbs or tea/herbal infusions as such.***

Or. en

Justification

Examples of foods falling under the scope of 'raw' or 'non-compound' foods should be included to improve clarity.

Amendment by David Martin and Åsa Westlund

Amendment 49

ARTICLE 2, PARAGRAPH 2, POINT (B)

(b) raw or non-compound foods.

(b) raw or non-compound foods ***including, but not limited to, tea, coffee, blends of teas, or blends of coffees.***

Or. en

Justification

The concept of non-compound foods is not clear and will benefit from further explanation.

Amendment by Carl Schlyter and Bart Staes

Amendment 50

ARTICLE 2, PARAGRAPH 2, POINT (B A) (NEW)

(ba) herbs and spices traditionally used for human consumption;

Or. en

Justification

Herbs and spices traditionally used as food ingredients should not be covered by the Regulation.

Amendment by John Bowis

Amendment 51

ARTICLE 2, PARAGRAPH 2, POINT (B A) (NEW)

(ba) fresh or dried herbs and spices

Or. en

Justification

There is evidence that a herb does not display the same toxicological effect of concern as an individual component within it. Setting maximum levels for such components (in Annex III B) may lead to increased use of herb extracts and it is not clear this will provide increased consumer protection. Greater consideration is necessary before including such limits in this

Regulation for the use of herbs and spices.

Amendment by Mojca Drčar Murko

Amendment 52

ARTICLE 3, PARAGRAPH 2, POINT (A), (II A) (NEW)

(ii) which may contain food including food additives as permitted by Regulation (EC) No xxxx/2007 of the European Parliament and of the Council of on food additives;

Or. en

Justification

The proposal does not mention the possibility of adding food and/ or food additives to flavourings. However, additives and food are necessary for the storage and use of flavourings and for dissolving and diluting these products. In many cases flavourings are compounded to contain food ingredients as part of the flavouring, e.g. cheese powder in a cheese and onion flavouring.

Amendment by Edite Estrela

Amendment 53

ARTICLE 3, PARAGRAPH 2, POINT (A), (II A) (NEW)

(ii) with food additives permitted in the food flavourings;

Or. en

Justification

Food flavourings may also have additives in their composition, as it is said in the proposal on food additives (Article 16).

Amendment by Anja Weisgerber

Amendment 54

ARTICLE 3, PARAGRAPH 2, POINT (A), (II A) (NEW)

(iia) allowed to contain both foods and food additives, provided that the addition of such substances is in accordance with Community regulations.

Or. de

Justification

Contrary to what is stipulated in the Flavourings Directive (Directive 88/388EEC), the Commission proposal (COM(2006)0427) does not mention the possibility of adding foods and/or food additives to flavourings. These substances (additives and foods) are, however, necessary in order to enable flavourings to be stored and used and, secondly, dissolved and diluted. In many cases the composition of flavourings is such as to include food ingredients as part of the flavouring: one example is the powdered cheese in a cheese and onion flavouring.

Amendment by Urszula Krupa

Amendment 55

ARTICLE 3, PARAGRAPH 2, POINT (C), (I) (NEW)

(i) 'synthetic flavouring substance' shall mean a substance obtained by chemical synthesis, whether it has or does not have identical chemical properties to the natural substances present in products of vegetable or animal origin, as referred to at point (c).

Or. pl

Justification

The flavourings in food include, in addition to flavourings obtained from natural substances, above all substances obtained by chemical synthesis, such as ethyl vanillin present in commonly used vanilla sugars and other food concentrates.

Amendment by Edite Estrela

Amendment 56

ARTICLE 3, PARAGRAPH 2, POINT (F)

(f) 'smoke flavouring' shall mean a product obtained by fractionation and purification of a condensed smoke yielding primary smoke condensates, primary tar fractions and/or

(f) 'smoke flavouring' shall mean a product obtained by fractionation and purification of a condensed smoke yielding primary smoke condensates, primary tar fractions ***used in***

derived smoke flavourings as defined in points (1), (2) and (4) of Article 3 of Regulation (EC) No 2065/2003;

traditional foodstuff smoking processes and/or derived smoke flavourings as defined in points (1), (2) and (4) of Article 3 of Regulation (EC) No 2065/2003;

Or. en

Justification

It is necessary to make it clear that there are smoke flavourings within the scope of Regulation (EC) No 2065/2003; there are others which will be under the scope of this Regulation and used in traditional foodstuff smoking processes.

Amendment by Mojca Drčar Murko

Amendment 57

ARTICLE 3, PARAGRAPH 2, POINT (H)

(h) ‘**other flavouring**’ shall mean a flavouring added or intended to be added to food in order to impart odour and/or taste and which does not fall under the definitions (b) to (g);

(h) ‘**flavouring not elsewhere specified**’ shall mean a flavouring added or intended to be added to food in order to impart odour and/or taste and which does not fall under the definitions (b) to (g);

Or. en

Justification

The definition of 'other flavouring' requires clarification.

Amendment by Mojca Drčar Murko

Amendment 58

ARTICLE 3, PARAGRAPH 2, POINT (I)

(i) ‘food ingredient with flavouring properties’ shall mean a food ingredient other than flavourings which may be added to food for the main purpose of adding flavour to it or modifying its flavour;

(i) ‘food ingredient with flavouring properties’ shall mean a food ingredient other than flavourings which may be added to food for the main purpose of adding flavour to it or modifying its flavour **and the use of which contributes significantly to the presence of substances in compound foods as specified in Part B of Annex III;**

Justification

In order to maintain proportionality in application the scope and definition should be restricted to those food ingredients with flavouring properties which are considered to contribute significantly to intake. This amendment is linked to Recital 5 of the text proposed by the Commission.

Amendment by Edite Estrela

Amendment 59

ARTICLE 3, PARAGRAPH 2, POINT (J), INTRODUCTORY PART

(j) 'source material' shall mean material of vegetable, animal, microbiological **or mineral** origin from which flavourings or food ingredients with flavouring properties are produced; it may be:

(j) 'source material' shall mean material of vegetable, animal **or** microbiological origin from which flavourings or food ingredients with flavouring properties are produced; it may be:

Or. en

Justification

There are no flavouring preparations obtained from materials of mineral origin.

Amendment by Urszula Krupa

Amendment 60

ARTICLE 3, PARAGRAPH 2, POINT (J), INTRODUCTORY PART

(j) 'source material' shall mean material of vegetable, animal, microbiological or **mineral** origin from which flavourings or food ingredients with flavouring properties are produced; it may be:

(j) 'source material' shall mean material of vegetable, animal, microbiological or **synthetic** origin from which flavourings or food ingredients with flavouring properties are produced; it may be:

Or. pl

Justification

The word 'mineral' is replaced with the word 'synthetic' in order to indicate the non-natural origin of flavouring substances obtained by chemical synthesis that do not have identical chemical properties to natural substances present in products of vegetable or animal origin. To define terms.

Amendment by Carl Schlyter and Bart Staes

Amendment 61
ARTICLE 3, PARAGRAPH 2, POINT (J A) (NEW)

(ja) ‘produced by GMOs’ shall mean derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs;

Or. en

Justification

Labelling provisions should be clarified regarding enzymes produced from or by GMOs. This is in line with the concept of 'last living organism' ruling the labelling provisions of Regulation (EC) No 1829/2003 on GM food and feed.

Amendment by Anja Weisgerber

Amendment 62
ARTICLE 3, PARAGRAPH 2, POINT (K)

(k) ‘appropriate physical process’ shall mean a physical process which does not intentionally modify the chemical nature of the components of the flavouring ***and does not involve*** the use of singlet oxygen, ozone, inorganic catalysts, ***metal catalysts***, organometallic reagents and/or UV radiation.

(k) ‘appropriate physical process’ shall mean a physical process which does not intentionally modify the chemical nature of the components of the flavouring, ***without prejudice to the listing of traditional food preparation processes in Annex II, in which*** the use of singlet oxygen, ozone, inorganic catalysts, organometallic reagents and/or UV radiation ***is not included***.

Or. de

Amendment by Mojca Drčar Murko

Amendment 63
ARTICLE 3, PARAGRAPH 2, POINT (K)

(k) ‘appropriate physical process’ shall mean a physical process which does not

(k) ‘appropriate physical process’ shall mean a physical process which does not

intentionally modify the chemical nature of the components of the flavouring **and** does not involve the use of singlet oxygen, ozone, inorganic catalysts, metal catalysts, organometallic reagents and/or UV radiation.

intentionally modify the chemical nature of the components of the flavouring **unless it is listed in Annex II. It** does not involve the use of singlet oxygen, ozone, inorganic catalysts, metal catalysts, organometallic reagents and/or UV radiation.

Or. en

Justification

Many physical processes intentionally modify the chemical nature of the products. Originally adventitious, these processes are intentionally used to maintain traditional qualities. For example, crushing garlic is a process which intentionally modifies its chemical nature: indeed, garlic is crushed in order to obtain the typical organoleptic character and impact, which is due to some chemical modifications taking place during the crushing process.

Amendment by Carl Schlyter and Bart Staes

Amendment 64
ARTICLE 3, PARAGRAPH 3

3. For the purpose of the definitions listed in paragraph 2 (d), (e), (g) and (j), source materials for which hitherto there is significant evidence of use for the production of flavourings, are considered as food. *deleted*

Or. en

Justification

Non-food materials should not be considered as food.

Amendment by Carl Schlyter and Bart Staes

Amendment 65
ARTICLE 4

Only flavourings or food ingredients with flavouring properties which meet the following conditions may be used in or on foods:

Only flavourings or food ingredients with flavouring properties which meet the following conditions may be used in or on foods:

(a) they do not, on the basis of the scientific evidence available, pose a safety concern to the health of the consumer;

(b) their use does not mislead the consumer.

(a) they do not, on the basis of the scientific evidence available **and the precautionary principle**, pose a safety concern to the health of the consumer;

(b) their use does not mislead the consumer;

(ba) there is a reasonable technological need and the desired effect cannot be achieved by using spices;

(bb) their use has a clear benefit for the consumer.

Or. en

Justification

As in the current legislation on food additives, a clear benefit for the consumer must be a central requirement in the authorisation process for food enzymes.

Amendment by David Martin and Åsa Westlund

Amendment 66 ARTICLE 4, POINT (B)

(b) their use does not mislead the consumer.

(b) their use does not mislead the consumer – **this would include for example the nutritional quality, naturalness and fruit and vegetable content of a product;**

(ba) their use must have advantages and benefits for the consumer;

(bb) there is a reasonable technological need for their use.

Or. en

Justification

If flavourings or food ingredients with flavouring properties are used there must be a technological need for their use and advantages for the consumer. They should not mislead the consumer.

Amendment by David Martin and Åsa Westlund

Amendment 67
ARTICLE 4, POINT (B)

(b) their use does not mislead the consumer.

(b) their use does not mislead the consumer.

Misleading the consumer includes, but is not limited to, issues related to the nature, freshness, quality of ingredients used, the naturalness of a product or of the production process, or the nutritional quality of the product.

Or. en

Justification

This is required so that there is an improved common understanding of the meaning of the phrase 'misleading the consumer'.

Amendment by Kartika Tamara Liotard

Amendment 68
ARTICLE 4, POINT (B)

(b) their use does not mislead the consumer.

(b) their use does not mislead the consumer - ***this would include for example the nutritional quality, naturalness and fruit and vegetable content of a product.***

Or. en

Justification

Transparent criteria are needed for how a decision will be made about 'misleading consumers'.

Amendment by Mojca Drčar Murko

Amendment 69
ARTICLE 5, PARAGRAPH 2, SUBPARAGRAPH 1

2. ***Maximum levels of*** certain substances, naturally present in flavourings and food ingredients with flavouring properties, in ***the***

2. ***When there is a justified scientific concern that*** certain substances, naturally present in flavourings and food ingredients

compound foods listed in Part B of Annex III **shall not be exceeded as a result of the use of flavourings and food ingredients with flavouring properties in and on those foods.**

with flavouring properties, in compound foods **may pose a safety concern to the health of the consumer, the Commission may, on its own initiative or on the basis of information provided by Member States, and following the opinion of the Authority, set maximum levels for these substances which will be** listed in Part B of Annex III.

Or. en

Justification

The purpose of extending the scope of the Regulation to include food ingredients with flavouring properties is to assist in the control of the biologically active principles (certain substances naturally present in flavourings and food ingredients with flavouring properties). Should certain naturally occurring undesirable substances raise scientifically justified concern for the health of consumers, maximum levels can be set by the Commission following EFSA's opinion.

Amendment by Carl Schlyter and Bart Staes

Amendment 70

ARTICLE 5, PARAGRAPH 2, SUBPARAGRAPH 1

2. Maximum levels of certain substances, naturally present in flavourings **and food ingredients with flavouring properties**, in the compound foods listed in Part B of Annex III shall not be exceeded as a result of the use of flavourings **and food ingredients with flavouring properties** in and on those foods.

2. Maximum levels of certain substances, naturally present in flavourings, in the compound foods listed in Part B of Annex III shall not be exceeded as a result of the use of flavourings in and on those foods.

Or. en

Justification

This provision should not discriminate the use of herbs and spices against the use of artificial flavourings.

Amendment by Dan Jørgensen

Amendment 71

ARTICLE 5, PARAGRAPH 2, SUBPARAGRAPH 1

2. Maximum levels of certain substances, naturally present in flavourings and food ingredients with flavouring properties, **in the compound foods listed in Part B of Annex III** shall not be exceeded **as a result of the use of flavourings and food ingredients with flavouring properties in and on those** foods.

2. Maximum levels **listed in Part B of Annex III** of certain substances, naturally present in flavourings and food ingredients with flavouring properties shall not be exceeded **where flavourings or food ingredients are used in compound** foods.

Or. da

Justification

Ændringsforslaget skal læses i sammenhæng med forslag X til ændring af bilag III. Bilag III indeholder stoffer, der skal begrænses, idet de i flere tilfælde er mistænkt for at være skadelige. I de gældende regler om fødevareromaer er der fastsat generelle grænseværdier for en række af de i bilaget angivne stoffer, der ikke må tilsættes fødevarer, men som kan forekomme, da de udgør en bestanddel af tilladte aromastoffer. I Kommissionens forslag er de generelle grænseværdier taget ud til fordel for en regulering med grænseværdier for specifikke fødevarergrupper. Ændringsforslaget skal fremsættes med henblik på fastholdelse af generelle grænseværdier i aromaforordningen, hvilket er den bedste måde at sikre, at alle forekomster af de angivne stoffer begrænses.

Amendment by Anja Weisgerber

Amendment 72

ARTICLE 5, PARAGRAPH 2 A (NEW)

2a. In the light of the latest scientific findings, the list in Annex III, Part B, shall be regularly reviewed and, if need be, updated.

Updating may also result in the deletion from Annex III, Part B, of source materials, as referred to in Article 3(2)(j)(i), and products made from those materials where they are scientifically proven to pose no danger to health. To that end the Commission may be sent the studies at present being carried out to determine whether source materials and products made therefrom are likely to be harmless from a health point of view. After consulting the European Food Safety Authority, the Commission shall lay down a list of ingredients or substances to be

excluded from Annex III, Part B.

Notwithstanding the second subparagraph above, Annex III, Part B, may be amended by the procedure specified in Article 18(2) after the European Food Safety Authority has issued an opinion pursuant to Article 29 of Regulation (EC) No 178/2002.

Or. de

Justification

As far as new studies are concerned, there is scientific evidence that certain food ingredients with flavouring properties, herbs and spices for example, and products made from those ingredients (extracts) pose no danger to health. In order to allow for the state of play at any given time regarding science and the presence of 'active principles' in particular food ingredients with flavouring properties and products manufactured using such ingredients, it is important to ensure that the list in Annex III, Part B, can be rapidly revised.

Amendment by John Bowis

Amendment 73

ARTICLE 5, PARAGRAPH 2 A (NEW)

2a. By way of derogation from paragraph 2, the maximum levels shall not apply where a compound food contains no added flavourings and the only food ingredients with flavouring properties which have been added are fresh or dried herbs and spices.

Or. en

Justification

See justification to amendment to Article 2(2)(c) (new) on fresh or dried herbs and spices.

Amendment by David Martin and Åsa Westlund

Amendment 74

ARTICLE 6, PARAGRAPH 1

1. Source materials listed in Part A of ***deleted***

Annex IV shall not be used for the production of flavourings and food ingredients with flavouring properties.

Or. en

Justification

The concept of a negative list rather than a positive list as this would allow the use of a new substance until it is analysed and, if found unsafe, then included on the negative list. There is the risk of exposure to unsafe substances to the detriment of consumers' health.

Amendment by Carl Schlyter and Bart Staes

Amendment 75
ARTICLE 6, PARAGRAPH 1

1. Source materials listed in Part A of Annex IV shall ***not*** be used for the production of flavourings and food ingredients with flavouring properties.

1. ***Only*** source materials listed in Part A of Annex IV shall be used for the production of flavourings and food ingredients with flavouring properties.

Or. en

Justification

A positive list for source materials is more suited to protect consumers from undesirable substances.

If adopted, the title of Annex IV needs to be changed accordingly.

Amendment by Edite Estrela

Amendment 76
ARTICLE 8, INTRODUCTORY PART

The present Chapter applies to:

Without prejudice to the smoke flavourings which are authorised in accordance with Regulation (EC) No 2065/2003, the present Chapter applies to:

Or. en

Justification

It is necessary to indicate that smoke flavourings within the scope of Regulation (EC) No 2065/2003 need to be authorised according to that Regulation.

Amendment by Edite Estrela

Amendment 77

ARTICLE 8, POINT (F A) (NEW)

(fa) smoke flavourings which do not fall within the scope of Regulation (EC) No 2065/2003.

Or. en

Justification

It is necessary to say that smoke flavourings which do not fall within the scope of Regulation (EC) No 2065/2003 need an evaluation and approval in accordance with this Regulation.

Amendment by Mojca Drčar Murko

Amendment 78

ARTICLE 11

A flavouring or source material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list only ***after it has been authorised*** in accordance with ***the procedure referred to in Article 7 of Regulation (EC) No 1829/2003.***

A flavouring or source material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list ***in accordance with this Regulation only when it is covered by an authorisation*** in accordance with Regulation (EC) No 1829/2003.

Or. en

Justification

Linked to the amendment to recital 20.

Amendment by Avril Doyle

Amendment 79
ARTICLE 11

A flavouring *or source* material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list **only after** it has been authorised in accordance with the procedure referred to in Article 7 of Regulation (EC) No 1829/2003.

Without prejudice to Articles 4, 8 and 9 of this Regulation, a flavouring **sourced from a** material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list **once** it has been authorised in accordance with the procedure referred to in Article 7 of Regulation (EC) No 1829/2003.

Or. en

Justification

Sections of the proposals could be misinterpreted as requiring companies to submit multiple, sequential and duplicative EFSA safety assessments and authorisations for certain plant-derived flavourings (as well as enzymes and food additives). While such duplication is not the intent of the proposed legislation, it is important to remove this ambiguity so as to avoid confusion and potential market disruption.

Amendment by Edite Estrela

Amendment 80
ARTICLE 11

A flavouring or source material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list only after it has been **authorised** in accordance with the procedure referred to in Article 7 of Regulation (EC) No 1829/2003.

A flavouring or source material falling within the scope of Regulation (EC) No 1829/2003 may be included in the Community list only after it has been **subjected to the safety assessment of the genetic modification** in accordance with the procedure referred to in Article 7 of Regulation (EC) No 1829/2003.

Or. en

Justification

It should be clear that there are no two different authorisation procedures when a flavouring includes GM components. The authorisation for flavourings should foresee, in parallel, management by the Commission as regards the safety assessment of the genetic modification, in order to allow the subsequent global approval under this Regulation.

Amendment by Carl Schlyter and Bart Staes

Amendment 81
ARTICLE 13, PARAGRAPH 1, POINT (A)

(a) the sales description: ***either the word 'flavouring' or a more specific name or description*** of the flavouring;

(a) the sales description: the specific name of the flavouring;

Or. en

Justification

The labelling provisions should be clarified.

Amendment by Edite Estrela

Amendment 82
ARTICLE 13, PARAGRAPH 1, POINT (B)

(b) the name or business name and address of the manufacturer or packager, or of a seller;

(b) the name or business name and address of the manufacturer or packager, or of a seller ***established within the Community***;

Or. en

Justification

Traceability should be ensured and labelling provisions laid down in Directive 2000/13/EC, as regards the final consumer, should be applied. Therefore the business operator must be established within the EU.

Amendment by Edite Estrela

Amendment 83
ARTICLE 13, PARAGRAPH 1, POINT (D)

(d) a list in descending order of weight of:
(i) the categories of ***flavourings present***; and
(ii) the names of each of the other substances

(d) a list in descending order of weight of:
(i) the categories of ***flavouring substances and flavouring preparations as defined in Article 3***; and
(ii) ***in the case of a mixture of flavourings***

or materials contained in the product or, where appropriate, their E-number;

with other substances or materials authorised as additives or products used for dissolving and diluting the names of each of ***the categories referred to in (i) and the name of each of*** the other substances or materials contained in the product or, where appropriate, their E-number;

Or. en

Justification

It is necessary to clarify the different possibilities, i.e. in the cases of mixtures of flavourings with other substances or materials, the meaning of categories and the categories as defined in Article 3 .

Amendment by Carl Schlyter and Bart Staes

Amendment 84

ARTICLE 13, PARAGRAPH 1, POINT (D), (II)

(ii) the names of each of the other substances or materials contained in the product ***or, where appropriate,*** their E-number;

(ii) the names of each of the other substances or materials contained in the product, their E-number ***and, where appropriate, the indication "produced from GMOs";***

Or. en

Justification

Labelling provisions should be clarified regarding enzymes produced from GMOs. This is in line with the concept of 'last living organism' ruling the labelling provisions of Regulation (EC) No 1829/2003 on GM food and feed.

Amendment by Kartika Tamara Liotard

Amendment 85

ARTICLE, PARAGRAPH 1, POINT (D), (II)

(ii) the names of each of the other substances or materials contained in the product ***or,*** where appropriate, their E-number;

(ii) the names of each of the other substances or materials contained in the product ***and,*** where appropriate, their E-number;

Or. en

Justification

There is no reason not to indicate the E-number where this exists.

Amendment by Anja Weisgerber

Amendment 86

ARTICLE 14

1. The term ‘natural’ may **only** be used to describe a flavouring in the sales description referred to in Article 13(1)(a) as provided for in paragraphs 2 to 6.

2. The term ‘natural’ for the description of a flavouring may only be used if the flavouring component comprises only flavouring preparations and/or natural flavouring substances.

3. The term “natural flavouring substance(s)” may only be used for flavourings in which the flavouring component contains exclusively natural flavouring substances.

4. The term ‘natural’ may **only** be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if at least 90% [by w/w] of the flavouring component has been obtained from the source material referred to.

The flavouring component may contain flavouring preparations and/or natural flavouring substances.

The description shall read “natural <<food(s) or food category or source(s)>> flavouring”.

5. “Natural <<food(s) or food category or source(s)>> flavouring with other natural flavourings” may **only** be used if the flavouring component is partially derived from the source material referred to and can easily be recognised.

The flavouring component may contain flavouring preparations and/or natural

1. The term ‘natural’ may be used to describe a flavouring in the sales description referred to in Article 13(1)(a) as provided for in paragraphs 2 to 6.

2. The term ‘natural’ for the description of a flavouring may only be used if the flavouring component comprises only flavouring preparations and/or natural flavouring substances.

3. The term “natural flavouring substance(s)” may only be used for flavourings in which the flavouring component contains exclusively natural flavouring substances.

4. The term ‘natural’ may be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if at least 90% [by w/w] of the flavouring component has been obtained from the source material referred to.

The flavouring component may contain flavouring preparations and/or natural flavouring substances **only**.

The description shall read “natural <<food(s) or food category or source(s)>> flavouring”.

5. “Natural <<food(s) or food category or source(s)>> flavouring with other natural flavourings” may be used if the flavouring component is partially derived from the source material referred to and can easily be recognised.

The flavouring component may contain flavouring preparations and/or natural

flavouring substances.

6. The term “natural flavouring” may **only** be used if the flavouring component is derived from different source materials and where a reference to the source materials would not reflect their flavour or taste.

The flavouring component may contain flavouring preparations and/or natural flavouring substances.

flavouring substances **only**.

6. The term “natural flavouring” may be used if the flavouring component is derived from different source materials and where a reference to the source materials would not reflect their flavour or taste.

The flavouring component may contain flavouring preparations and/or natural flavouring substances **only**.

Or. de

Amendment by Anja Weisgerber

Amendment 87

ARTICLE 14, PARAGRAPH 4, SUBPARAGRAPH 1

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if **at least 90% [by w/w]** of the flavouring **component has** been obtained from the source material referred to.

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source if **all** of the flavouring **components have** been obtained from the source material referred to.

Or. de

Justification

A ratio of 90 parts to 10 is contrary to the requirement in Article 4(b) that consumers must not be misled about the use of flavourings and also, more specifically, to recital 21, which stipulates that flavouring substances or preparations should not be labelled as ‘natural’ unless they conform to given criteria serving to ensure that consumers are not misled.

Amendment by Mojca Drčar Murko

Amendment 88

ARTICLE 14, PARAGRAPH 4, SUBPARAGRAPH 1

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if at least **90%** [by w/w] of the flavouring component has been obtained

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source if at least **95%** [by w/w] of the flavouring component has been obtained

from the source material referred to.

from the source material referred to.

Or. sl

Justification

The 90/10 ratio could mislead consumers. The proposed text could give consumers the impression that the flavouring was obtained primarily from the majority component referred to, whereas in fact the remaining 10% was obtained from entirely different ingredients. The ratio should be 95/5.

Amendment by Marie-Noëlle Lienemann

Amendment 89

ARTICLE 14, PARAGRAPH 4, SUBPARAGRAPH 1

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if at least **90%** [by w/w] of the flavouring component has been obtained from the source material referred to.

4. The term ‘natural’ may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source, if at least **95%** [by w/w] of the flavouring component has been obtained from the source material referred to.

Or. en

Justification

Ninety per cent represents the current practice and was established in consultation with authorities at the time of the adoption of Directive 88/388/EEC. Ideally this should be maintained as any reduction will necessitate considerable reformulation and/or relabelling of products on the market. However, there are amendments asking for a reduction to 98% which for a number of flavour types would make reformulation extremely difficult; 95% is the absolute maximum which would still allow a wide range of natural flavourings to be produced.

Amendment by Ria Oomen-Ruijten and Lambert van Nistelrooij

Amendment 90

ARTICLE 14, PARAGRAPH 6, SUBPARAGRAPH 1

6. The term “natural flavouring” may only be used if the flavouring component is derived from different source materials and where a reference to the source materials

6. The term ‘natural flavouring’ may only be used if the flavouring component is derived from different source materials and where a reference to the source materials would not reflect their flavour or taste, **and in the**

would not reflect their flavour or taste.

circumstances described in paragraphs 4 and 5.

Or. en

Justification

The use of the term 'natural flavouring' may not be limited to the cases as described under Article 14(6), since according to Article 14(4) the description 'natural X flavouring' can only be used if at least 90% of the flavouring component has been obtained from X. In addition, according to Article 14(5) the description 'natural X flavouring with other natural flavourings' may only be used if less than 90% of the flavouring have been obtained from X.

Amendment by Edite Estrela

Amendment 91

ARTICLE 14, PARAGRAPH 6, SUBPARAGRAPH 2

*The flavouring component may contain
flavouring preparations and/or natural
flavouring substances.* *deleted*

Or. en

Justification

Subparagraph 2 is unnecessary; it is superfluous.

Amendment by Edite Estrela

Amendment 92

ARTICLE 15, PARAGRAPH 1

1. Without prejudice to Directive 2000/13/EC, flavourings intended for sale to the final consumer may be marketed only if their packaging contains the statement either 'for use in food' or the statement 'restricted use in food' or a more specific reference to its intended food use, which must be easily visible, clearly legible and indelible.

1. Without prejudice to Directive 2000/13/EC, **Directive 89/396/EEC and, where appropriate, Regulation (EC) No 1829/2003**, flavourings intended for sale to the final consumer may be marketed only if their packaging contains the statement either 'for use in food' or the statement 'restricted use in food' or a more specific reference to its intended food use, which must be easily visible, clearly legible and indelible.

Justification

Labelling of flavourings intended for sale to the final consumer must be made in accordance with Directive 89/396/EEC concerning the lot and with GMO Regulation (EC) No 1829/2003, where appropriate, for the labelling of food flavourings containing, consisting of or produced from GMOs.

Amendment by Pilar Ayuso

Amendment 93
ARTICLE 16, PARAGRAPH 1

1. The food business operators or their representatives shall report to the Commission the annual amounts of flavouring substances added to foods in the Community and the use levels for each food category in the Community.

1. A producer or user of a flavouring substance shall inform the Commission immediately of any new scientific or technical information which is known and accessible to him which might affect the assessment of the safety of the flavouring substance.

1a. The food industry user of the flavouring containing the flavouring substance and the producer of the flavouring shall in cooperation, at the request of the Commission, inform it of the actual use of the flavouring substance. The information provided in this context shall be treated as confidential data.

Or. en

Justification

Reports on annual amounts of every flavouring substance added to foods and use levels for each category will be extremely difficult to collect, as the flavouring supplier will not necessarily know in which food categories a flavouring is to be used, nor will he know the exact dosage used. Therefore such information is unlikely to assist in intake assessment or safety evaluation.

Amendment by Anja Weisgerber

Amendment 94
ARTICLE 16, PARAGRAPH 1

1. The food business operators *or their representatives shall report to the Commission the annual amounts of flavouring substances added to foods in the Community and the use levels for each food category in the Community.*

1. The food business operators, *including the manufacturer/blender and user of a flavouring substance, shall communicate to the Commission without delay such scientific data or technical information known to them and in their possession as might affect assessment of the safety of a flavouring substance.*

1a. The food business operators, including the manufacturer/blender and user of a flavouring substance, shall inform the Commission, where it so requests, of the actual use made of the flavouring substance, if they have access to the relevant data. Information submitted shall be treated as confidential.

Or. de

Amendment by Ria Oomen-Ruijten and Lambert van Nistelrooij

Amendment 95
ARTICLE 16, PARAGRAPH 1

1. *The food business operators or their representatives shall report to the Commission the annual amounts of flavouring substances added to foods in the Community and the use levels for each food category in the Community.*

1. *A producer or user of a flavouring substance shall inform the Commission of any new scientific or technical information which is known and accessible to him which might affect the assessment of the safety of the flavouring substance.*

1a. A producer or user of a flavouring shall, at the request of the Commission, inform it of the actual use of the flavouring.

Or. en

Justification

In order to create consistency and coherence with the legislative package on the authorisation procedure (COM(2006) 423), and use of additives (COM(2006) 428) and use of enzymes (COM(2006) 425), the same wording concerning 'information obligation' should be used as in the draft proposals for a regulation for additives (Article 26 'Information obligations') and for enzymes (Article 15 'Information obligation'). They both concern a safety issue, while intake does not concern safety as such.

Amendment by Françoise Grossetête

Amendment 96
ARTICLE 16, PARAGRAPH 1

1. *The food business operators or their representatives shall report to the Commission the annual amounts of flavouring substances added to foods in the Community and the use levels for each food category in the Community.*

1. *Producers or users of flavouring substances shall inform the Commission of any new scientific or technical data that have come to their knowledge and might have an impact on the safety checks on the flavouring substance in question.*

Or. fr

Justification

This regulation on flavourings belongs to a body of legislation encompassing enzymes and food additives. It is therefore logical to harmonise the information to be communicated by food business operators. Every operator should be called upon to supply any new scientific information likely to have a bearing on the safety assessment of a flavouring substance. A provision along these lines will ensure that flavourings used can be shown to be safe before they are actually placed on the market.

Amendment by David Martin and Åsa Westlund

Amendment 97
ARTICLE 16, PARAGRAPH 2 A (NEW)

2a. *A producer or user of a flavouring shall inform the Commission immediately of any new scientific or technical information which might affect the assessment of the safety of the flavouring.*

Or. en

Justification

This brings the proposal into line with those on additives and enzymes and helps to ensure continued consumer protection in the light of the most up-to-date information.

Amendment by Mojca Drčar Murko

Amendment 98

ARTICLE 26

Annex III, paragraph 1, indent 1 (Directive 2000/13/EC)

– “flavourings” or a more specific name or description of the flavouring, if the flavouring component contains flavourings as defined in Article 3(2)(b), (d), (e), (g) and (h) of Regulation (EC) No [...] of the European Parliament and of the Council* [Regulation on flavourings];

– “flavourings” or a more specific name or description of the flavouring, if the flavouring component contains flavourings as defined in Article 3(2)(b), (c), (d), (e), (g) and (h) of Regulation (EC) No [...] of the European Parliament and of the Council* [Regulation on flavourings];

Or. en

Justification

When using ‘natural flavourings’ industry will tend to highlight that fact; however, the space limitation on some product labels may lead to the declaration of just the term ‘flavourings’ in the ingredients list. This Regulation should maintain that option.

Amendment by Edite Estrela

Amendment 99

ARTICLE 26

Annex III, paragraph 1, indent 1 (Directive 2000/13/EC)

– “flavourings” or a more specific name or description of the flavouring, if the flavouring component contains flavourings as defined in Article 3(2)(b), (d), (e), (g) and (h) of Regulation (EC) No [...] of the European Parliament and of the Council* [Regulation on flavourings];

– “flavourings” or a more specific name or description of the flavouring, if the flavouring component contains flavourings as defined in Article 3(2)(b), (c), (d), (e), (g) and (h) of Regulation (EC) No [...] of the European Parliament and of the Council* [Regulation on flavourings];

Or. en

Justification

‘Natural flavouring substances’ should be included.

Amendment by Edite Estrela

Amendment 100

ARTICLE 26

Annex III, paragraph 1, indent 2 (Directive 2000/13/EC)

– “smoke flavouring(s)” if the flavouring component contains flavourings as defined in Article 3 (2) (f) of Regulation EC No [...] [Regulation on flavourings] and imparts a smoky flavour to the food.

– ‘smoke flavouring(s)’, **or a more specific name or description of the smoke flavouring(s)**, if the flavouring component contains flavourings as defined in Article 3 (2) (f) of Regulation EC No [...] [Regulation on flavourings] and imparts a smoky flavour to the food.

Or. en

Justification

It should be possible to describe the note of the smoke flavouring with a description such as smoke flavouring (bacon flavour).

Amendment by Carl Schlyter, Bart Staes

Amendment 101

ARTICLE 26

Annex III, paragraph 2a (new) (Directive 2000/13/EC)

2a. For flavourings produced from a source material falling under the scope of Regulation (EC) No 1829/2003, the indication "produced from GMOs" shall appear on the label.

For flavourings produced by an organism falling under the scope of Regulation (EC) No 1829/2003, no specific labelling shall be required.

Or. en

Justification

Labelling provisions should be clarified regarding enzymes produced from or by GMOs. This is in line with the concept of 'last living organism' ruling the labelling provisions of Regulation (EC) No 1829/2003 on GM food and feed.

Amendment by Anja Weisgerber

Amendment 102
ARTICLE 27, PARAGRAPH 2

It shall apply from [please insert date] [24 months after entry into force]. However, **Articles 9, 23 and 24** shall apply **from the date of application** of the Community list.

It shall apply from [please insert date] [24 months after entry into force]. However, **Article 9** shall apply **18 months after entry into force** of the Community list.

Or. de

Amendment by Anja Weisgerber

Amendment 103
ARTICLE 27, PARAGRAPH 2 A (NEW)

Flavourings and food placed lawfully on the market before the above-mentioned dates may continue to be used until the stocks have been exhausted.

Or. de

Amendment by John Bowis

Amendment 104
ARTICLE 27, PARAGRAPH 2 A (NEW)

Flavourings and foodstuffs that have been lawfully placed on the market before these respective dates may be marketed and used until stocks are exhausted.

Or. en

Justification

Stocks of products lawfully placed on the market prior to adoption of the Regulation should be permitted to be used up without being withdrawn from the market.

Amendment by Françoise Grossetête

Amendment 105
ARTICLE 27, PARAGRAPH 2 A (NEW)

Flavouring substances lawfully placed on the market before these respective dates may be used until the stocks have been exhausted.

Or. fr

Justification

A transitional period should be laid down in order to allow for flavouring substances placed on the market before the future adoption of this regulation on flavourings. The transitional period is needed to enable production to run smoothly while guaranteeing consumer safety.

Amendment by Ria Oomen-Ruijten and Lambert van Nistelrooij

Amendment 106
ARTICLE 27, PARAGRAPH 2 A (NEW)

Flavourings and foodstuffs that have been lawfully placed on the market before these respective dates may be marketed and used until 12 months after the date of application of this Regulation.

Or. en

Justification

In order to include a transition period that allows the marketing and use of flavourings and food which have been lawfully placed on the market prior to its adoption.

Amendment by Urszula Krupa

Amendment 107
ANNEX II, ROW 5, COLUMN 1

Evaporation

Evaporation ***or freeze-dried***

Or. pl

Justification

In connection with natural substances, a commonly used processing method is to dry materials of vegetable or animal origin which have a high water content by freezing them and then subliming the excess liquid.

Amendment by Dan Jørgensen

Amendment 108
ANNEX III, PART A, NEW SUBSTANCES

Aloin

Coumarin

Or. da

Justification

Maximum levels are indicated for aloin and coumarin insofar as these substances are regulated under the relevant provisions and both continue to present a toxicological risk.

Amendment by Mojca Drčar Murko

Amendment 109
ANNEX III, PART B

Text proposed by the Commission

Name of the substance	Compound food in which the presence of the substance is restricted	Maximum level [mg/kg]
<i>Beta-asarone</i>	<i>Alcoholic beverages</i>	<i>1.0</i>
<i>1-Allyl-4-methoxybenzene</i>	<i>Dairy products</i>	<i>50</i>
	<i>Processed fruits, vegetables (incl. mushrooms, fungi, roots, tubers, pulses and legumes), nuts and seeds</i>	<i>50</i>
	<i>Fish products</i>	<i>50</i>
	<i>Non-alcoholic beverages</i>	<i>10</i>
<i>Hydrocyanic acid</i>	<i>Nougat, marzipan or its substitutes or similar products</i>	<i>50</i>
	<i>Canned stone fruits</i>	<i>5</i>
	<i>Alcoholic beverages</i>	<i>35</i>
<i>Menthofuran</i>	<i>Mint/peppermint containing confectionery, except micro breath freshening confectionery</i>	<i>500</i>

	<i>Micro breath freshening confectionery</i>	3000
	<i>Chewing gum</i>	1000
	<i>Mint/peppermint containing alcoholic beverages</i>	200
<i>4-Allyl-1,2-dimethoxybenzene</i>	<i>Dairy products</i>	20
	<i>Meat and meat products, including poultry and game</i>	15
	<i>Fish and fish products</i>	10
	<i>Soups and sauces</i>	60
	<i>Ready-to-eat savouries</i>	20
	<i>Non-alcoholic beverages</i>	1
<i>Pulegone</i>	<i>Mint/peppermint containing confectionery, except micro breath freshening confectionery</i>	250
	<i>Micro breath freshening confectionery</i>	2000
	<i>Chewing gum</i>	350
	<i>Mint/peppermint containing non-alcoholic beverages</i>	20
	<i>Mint/peppermint containing alcoholic beverages</i>	100
<i>Quassin</i>	<i>Non-alcoholic beverages</i>	0,5
	<i>Bakery wares</i>	1
	<i>Alcoholic beverages</i>	1.5
<i>1-Allyl-3,4-methylene dioxybenzene, safrole</i>	<i>Meat and meat products, including poultry and game</i>	15
	<i>Fish and fish products</i>	15
	<i>Soups and sauces</i>	25
	<i>Non-alcoholic beverages</i>	1
<i>Teucrin A</i>	<i>Alcoholic beverages</i>	2
<i>Thujone (alpha and beta)</i>	<i>Alcoholic beverages, except those produced from Artemisia species</i>	10
	<i>Alcoholic beverages produced from Artemisia species</i>	35

Amendments by Parliament

Name of the substance	Compound food in which the presence of the substance is restricted	Maximum level [mg/kg]

Or. en

Justification

This amendment is linked to the amendment to Article 5(2)(2). A similar solution is laid down in Article 8 of and Annex III to Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods. Part B of Annex III remains blank unless the potential harmfulness of certain naturally occurring undesirable substances is assessed by the Authority. In this case maximum levels for such substances should be set by the Commission.

Amendment by Alfonso Andria, Patrizia Toia, and Lapo Pistelli

Amendment 110
ANNEX III, PART B, ROW 9

Teucrin A - Alcoholic beverages - 2

Teucrin A - Alcoholic beverages - 6

Or. it

Justification

The opinion delivered on 11 March 2003 by the Council of Europe Scientific Committee (SFC/CS/FLAV/FLAVOUR/18 FINAL) sets the maximum threshold for teucrin A, an, the active principle of Teucrium chamaedrys, at 6 mg/kg in alcoholic beverages.

Amendment by Dan Jørgensen

Amendment 111
ANNEX III, PART B

Text proposed by the Commission

Name of the substance	<i>Compound food in which the presence of the substance is restricted</i>	<i>Maximum level [mg/kg]</i>
Beta-asarone	Alcoholic beverages	1.0
1-Allyl-4-methoxybenzene	Dairy products	50
	Processed fruits, vegetables (incl. mushrooms, fungi, roots, tubers, pulses and legumes), nuts and seeds	50
	Fish products	50
	Non-alcoholic beverages	10

Hydrocyanic acid	Nougat, marzipan or its substitutes or similar products	50
	Canned stone fruits	5
	Alcoholic beverages	35
Menthofuran	Mint/peppermint containing confectionery, except micro breath freshening confectionery	500
	Micro breath freshening confectionery	3000
	Chewing gum	1000
	Mint/peppermint containing alcoholic beverages	200
4-Allyl-1,2-dimethoxybenzene,	Dairy products	20
	Meat and meat products, including poultry and game	15
	Fish and fish products	10
	Soups and sauces	60
	Ready-to-eat savouries	20
	Non-alcoholic beverages	1
Pulegone	Mint/peppermint containing confectionery, except micro breath freshening confectionery	250
	Micro breath freshening confectionery	2000
	Chewing gum	350
	Mint/peppermint containing non-alcoholic beverages	20
	Mint/peppermint containing alcoholic beverages	100

Quassin	Non-alcoholic beverages	0,5
	Bakery wares	1
	Alcoholic beverages	1.5
1-Allyl-3,4-methylene dioxy benzene, safrole	Meat and meat products, including poultry and game	15
	Fish and fish products	15
	Soups and sauces	25
	Non-alcoholic beverages	1
Teucrin A	Alcoholic beverages	2
Thujone (alpha and beta)	Alcoholic beverages, except those produced from <i>Artemisia</i> species	10
	Alcoholic beverages produced from <i>Artemisia</i> species	35

Amendments by Parliament

Name of the substance	<i>Foods [mg/kg]</i>	<i>Beverages [mg/kg]</i>	<i>Exemptions for certain foods [mg/kg]</i>
<i>Aloin</i>	<i>0.1</i>	<i>0.1</i>	<i>Alcoholic beverages</i> <i>50</i>
Beta-asarone	<i>0.1</i>	<i>0.1</i>	Alcoholic beverages 1.0
1-Allyl-4-methoxy-benzene	<i>none</i>	<i>none</i>	Dairy products 50 50 Processed fruits, vegetables (incl. mushrooms, fungi, roots, tubers, pulses and legumes), nuts and seeds Fish products 50 Non-alcoholic beverages 10
<i>Coumarin</i>	<i>2</i>	<i>2</i>	<i>In certain types of confectionery</i> <i>10</i> <i>Chewing gum</i> <i>50</i> <i>Alcoholic beverages</i> <i>10</i>
Hydrocyanic acid	<i>1</i>	<i>1</i>	Nougat, marzipan or its substitutes or similar products 50 Canned stone fruits 5 Alcoholic beverages 35
Menthofuran	<i>none</i>	<i>none</i>	Mint/peppermint containing 500

			confectionery, except micro breath freshening confectionery	
			Micro breath freshening confectionery	3 000
			Chewing gum	1 000
			Mint/peppermint containing alcoholic beverages	200
4-Allyl-1,2-dimethoxybenzene	<i>none</i>	<i>none</i>	Dairy products	20
			Meat and meat products, including poultry and game	15
			Fish and fish products	10
			Soups and sauces	60
			Ready-to-eat savouries	20
			Non-alcoholic beverages	1
Pulegone	<i>25</i>	<i>100</i>	Mint/peppermint containing confectionery, except micro breath freshening confectionery	250
			Micro breath freshening confectionery	2 000
			Chewing gum	350
			Mint/peppermint containing non-alcoholic beverages	20
			Mint/peppermint containing alcoholic beverages	100
Quassin	<i>5</i>	<i>5</i>	Non-alcoholic beverages	0.5
			Bakery wares	1
			Alcoholic beverages	1.5
1-Allyl-3,4-methylene dioxy benzene, safrole	<i>1</i>	<i>1</i>	Meat and meat products, including poultry and game	15
			Fish and fish products	15

			Soups and sauces	25
			Non-alcoholic beverages	1
Teucrin A	<i>none</i>	<i>none</i>	Alcoholic beverages	2
Thujone (alpha and beta)	<i>0.5</i>	<i>0.5</i>	Alcoholic beverages, except those produced from <i>Artemisia</i> species	10
			Alcoholic beverages produced from <i>Artemisia</i> species	35

Or. da

Justification

Bilag III indeholder stoffer, der skal begrænses, idet de i flere tilfælde er mistænkt for at være skadelige. I de gældende regler om fødevareromaer er der fastsat generelle grænseværdier for en række af de i bilaget angivne stoffer, der ikke må tilsættes fødevarer, men som kan forekomme, da de udgør en bestanddel af tilladte aromastoffer. I Kommissionens forslag er de generelle grænseværdier taget ud til fordel for en regulering med grænseværdier for specifikke fødevarergrupper. Ændringsforslaget fremsættes med henblik på fastholdelse af generelle grænseværdier i aromaforordningen, hvilket er den bedste måde at sikre, at alle forekomster af de angivne stoffer begrænses.

Grænseværdier er medtaget for Aloin og Coumarin, idet disse stoffer er reguleret i de gældende regler og der fortsat er risiko for toksikologiske problemer med begge.