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REPORT

from : General Secretariat

to : Council

No. Cion prop.: 12182/06 DENLEG 43 CODEC 830

Subject : 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
- *Progress report*

I. INTRODUCTION

1. On 28 July 2006 the Commission forwarded to the Council and the European Parliament the above proposal¹ (based on Article 95 of the Treaty), which aims to update the general rules set out in Directive 88/388/EEC to better reflect technological and scientific developments. The proposed Regulation sets out clearer rules on maximum levels for undesirable substances in line with the opinion of the European Food Safety Authority (EFSA). Definitions are clarified, and stricter conditions are also introduced for the use of the term 'natural'.

¹ This proposal was adopted together with proposals for a Regulation on a common authorization procedure, a Regulation on food additives and a Regulation on food enzymes and the Council has been considering these proposal as a "package".

The proposed Regulation introducing a single common procedure for the approval of flavourings includes a safety evaluation by EFSA. The benefits of this common approach include simplified legislation and more consistency in the approval procedures.

2. Following its presentation by the Commission, the proposal and its accompanying impact study has been examined by the Working Party on Foodstuffs. While some Delegations maintain a general parliamentary scrutiny reservation, they welcome in general the proposal and support its main objectives, while presenting various proposals for further amendments. A short presentation of the main issues under consideration can be found below.
3. The Committee Environment, Public Health and Food Safety of the European Parliament voted on the report of MEP Mrs Drčar Murko (ALDE/SI) on 8 May 2007 and the vote in plenary has not yet taken place.

II. MAIN ISSUES UNDER CONSIDERATION

The main issues under consideration by the Working Party are:

1. Comitology: The Presidency suggested to introduce the comitology procedure with scrutiny for updating the Community list for authorized flavourings, i.e. conferring the implementing powers on the Commission, following Member State approval in the Standing Committee on the Food Chain and a right of scrutiny for the European Parliament and the Council.
2. The scope and definitions: Some Delegations requested to clarify the terms "raw" and "non compound" foods and to scrutinize the other definitions for consistency and clarity.
3. Labelling provisions: The Presidency suggested to streamline the provisions on labelling in order to improve the clarity of the Regulation. With a view to the use of the term 'natural' on the labelling, several Delegations reserved their positions on the Commission proposal.
4. Presence of certain substances. The Presidency suggested to add Aloin and Coumarin to the list of substances, which **may** not be added as such to food. Furthermore, several Delegations are scrutinizing the proposed maximum levels of certain substances naturally present in flavourings and food ingredients with flavouring properties

III. FURTHER WORK

The Presidency will continue the discussion on the proposal at the Working Party level in June. Furthermore, the Presidency intends to engage in informal talks with the European Parliament with a view to reach a first reading agreement.
