Food safety, human health protection: common authorisation procedure for food additives, food enzymes and food flavourings

2006/0143(COD) - 28/07/2006 - Legislative proposal

PURPOSE: to establish a common authorisation procedure for food additives, food enzymes and food flavourings in order to ensure the proper functioning of the internal market, while also ensuring a high level of protection of human life and health.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTEXT: so as to meet the objectives set in the White Paper on Food Safety, the Commission has developed, in parallel, three other proposals for Regulations that make the placing on the Community market of these substances subject to compliance with harmonised criteria and the granting of authorisation:

- Proposal for a Regulation of the European Parliament and of the Council on food additives (COD/2006/0145);
- Proposal for a Regulation of the European Parliament and of the Council on food enzymes (COD/2006/144);
- 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 (COD/2006/0147).

The new regulatory framework proposed for the substances in question must be completed by the establishment of a common authorisation procedure, insofar as the existence of different national authorisation procedures could potentially lead to different results and, in consequence, hinder the free movement of the substances concerned and distort free competition.

CONTENT: the proposal establishes a common authorisation procedure that is centralised, effective, expedient and transparent and that is based on risk assessment carried out by the European Food Safety Authority (the Authority) and a risk management system in which the Commission and the Member States take action within the framework of a regulatory committee procedure. It assigns to the Commission, on the basis of the Authority's scientific assessments, the task of creating, maintaining and updating a general positive list for each category of substances concerned. The inclusion of a substance on one of these lists means that its use is authorised in general for all operators on the Community market.

The authorisation procedure of food additives currently requires the adoption of a directive under the co-decision procedure. The Commission, believing that the co-decision procedure is too cumbersome for the regular updating of lists, suggested it should do this work itself after consulting the EC's standing committee on the food chain, made up of national experts.

Under the proposed procedure, requests for updates must be addressed to the Commission, without first going through a national authority. The Commission shall send the request file to the Authority and to the Member States and shall seek the opinion of the Authority, which must issue such opinion within six months. So as to ensure the binding effect of the updating measures, the proposal provides for their adoption to take the legal form of a regulation adopted in accordance with the comitology procedure.

The proposed measure will considerably reduce the administrative burdens on the Member States by allowing them to devote their resources particularly to implementing the legislation and to control activities.