



Procedure file

| Basic information | |
|---|---------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Regulation | Procedure completed |
| 1993/0478(COD) | |
| Flavouring substances used or for use in foodstuffs Repealed by 2006/0147(COD) Subject 3.10.10 Foodstuffs, foodstuffs legislation 3.40.13 Food industry 4.60.04.04 Food safety | |

| Key players | | | |
|-------------------------------|---|---------------------------------------|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health and Consumer Protection | PSE JENSEN Kirsten M. | 27/07/1994 |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 1939 | 26/06/1996 |
| | Fisheries | 1899 | 22/12/1995 |
| | Competitiveness (Internal Market, Industry, Research and Space) | 1886 | 23/11/1995 |

| Key events | | | |
|------------|---|---|---------|
| 01/12/1993 | Legislative proposal published | COM(1993)0609 | Summary |
| 17/12/1993 | Committee referral announced in Parliament, 1st reading | | |
| 25/04/1994 | Vote in committee, 1st reading | | Summary |
| 25/04/1994 | Committee report tabled for plenary, 1st reading | A3-0308/1994 | |
| 03/05/1994 | Debate in Parliament |  | |
| 05/05/1994 | Decision by Parliament, 1st reading | T3-0434/1994 | Summary |
| 03/06/1994 | Modified legislative proposal published | COM(1994)0236 | Summary |
| 22/12/1995 | Council position published | 12675/1/1995 | Summary |
| 01/02/1996 | Committee referral announced in Parliament, 2nd reading | | |
| 24/04/1996 | Vote in committee, 2nd reading | | Summary |
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| 24/04/1996 | Committee recommendation tabled for plenary, 2nd reading | A4-0143/1996 | |
| 21/05/1996 | Debate in Parliament |  | Summary |
| 22/05/1996 | Decision by Parliament, 2nd reading | T4-0237/1996 | Summary |
| 26/06/1996 | Act approved by Council, 2nd reading | | Summary |
| 28/10/1996 | Final act signed | | |
| 28/10/1996 | End of procedure in Parliament | | |
| 23/11/1996 | Final act published in Official Journal | | |

Technical information

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| Procedure reference | 1993/0478(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Regulation |
| | Repealed by 2006/0147(COD) |
| Legal basis | EC before Amsterdam E 100A |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/4/07442 |

Documentation gateway

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|---|--|--|------------|-----|---------|
| Legislative proposal | | COM(1993)0609 OJ C 001 04.01.1994, p. 0022 | 01/12/1993 | EC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A3-0308/1994 OJ C 205 25.07.1994, p. 0006 | 25/04/1994 | EP | |
| Economic and Social Committee: opinion, report | | CES0555/1994 OJ C 195 18.07.1994, p. 0004 | 27/04/1994 | ESC | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T3-0434/1994 OJ C 205 25.07.1994, p. 0233-0398 | 05/05/1994 | EP | Summary |
| Modified legislative proposal | | COM(1994)0236 OJ C 171 24.06.1994, p. 0006 | 03/06/1994 | EC | Summary |
| Council position | | 12675/1/1995 OJ C 059 28.02.1996, p. 0037 | 22/12/1995 | CSL | Summary |
| Commission communication on Council's position | | SEC(1996)0095 | 24/01/1996 | EC | Summary |
| Committee recommendation tabled for plenary, 2nd reading | | A4-0143/1996 OJ C 152 27.05.1996, p. 0006 | 24/04/1996 | EP | |
| Text adopted by Parliament, 2nd reading | | T4-0237/1996 OJ C 166 10.06.1996, p. 0054-0062 | 22/05/1996 | EP | Summary |
| Commission opinion on Parliament's position at 2nd reading | | COM(1996)0270 | 10/06/1996 | EC | Summary |

Additional information

Final act

[Regulation 1996/2232](#)

[OJ L 299 23.11.1996, p. 0001](#) Summary

Flavouring substances used or for use in foodstuffs

The proposed regulation had the following objectives: - to establish a high level of protection for consumers; - to improve the free movement of goods in the single market; - to increase legal certainty for economic operators and in particular for the food industry. In order to achieve this the regulation defined general criteria for the use of flavouring substances in foodstuffs. On the basis of these general criteria and the opinion of the Scientific Committee for Food a positive list of flavouring substances would be drawn up using a committee procedure. Substances deemed acceptable by the Scientific Committee for Food would be included on the list, which was to be drawn up in a number of stages. After 31 December 1993 the Member States would not be able to prevent the marketing or use in foodstuffs of flavouring substances which complied with the provisions of the regulation. ?

Flavouring substances used or for use in foodstuffs

The committee on the environment adopted the draft report of Mrs JENSEN. In her explanatory statement, the rapporteur stressed at the directive 88/388/EEC cannot have the desired effect unless the Community procedure is approved. The scientific committee for Food should have the final say as regards substances to be included on the EC's positive list.

Flavouring substances used or for use in foodstuffs

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Flavouring substances used or for use in foodstuffs

Parliament adopted the report by Mrs Kirsten JENSEN (PSE, DK) on the proposal for a regulation on flavouring substances intended for use in foodstuffs. The aim was to attain a high level of protection for consumers, to permit the free movement of goods within the internal market and to create greater legal certainty for economic operators, particularly those in the agri-food sector. The report highlighted that Directive 88/388/EEC could only have its full effect if the Community procedure was approved. The Scientific Committee for Food should have the final say when it came to substances that could be included on the "positive list". ?

Flavouring substances used or for use in foodstuffs

The Commission's amended proposal took over the European Parliament's amendments concerning the order of the recitals, in light of the importance of the regulation for public health. However, the Commission did not accept the amendments concerning: - the recital and articles providing for a special procedure for flavourings containing genetically modified organisms; - the transmission of draft measures to be adopted by the Commission; - the publication of flavourings in the form of codes in order to protect intellectual property; - the role of the Scientific Committee for Food in drawing up the positive lists. ?

Flavouring substances used or for use in foodstuffs

The common position of the Council takes into account the amendments incorporated in the amended proposal of the Commission, and notably those aimed at: - establishing a positive list of flavouring substances the use of which is authorized to the exclusion of all others; - including, in the inventory, general criteria for the evaluation of flavouring substances; - adding a recital concerning the confidentiality of data and the assurance of the protection of intellectual property connected with the development and manufacture of a flavouring substance; - ensuring that the evaluation of the safety of flavouring substances containing a genetically modified organism takes into account environmental safety as provided for in Directive 90/220/EEC; - specifying (in the annex) that flavouring substances should present no risk to the health of the consumer; must be kept under constant supervision and must be re-evaluated whenever necessary; do not mislead the consumer; cannot be authorized until the Scientific Committee for Food has delivered its opinion. In addition, the common position substantially tightens the procedures for laying down the positive list of flavourings. At the first stage this provides for: - the notification to the Commission by the Member States of the substances which may be used on their territory; - within one year from the end of the notification period the Commission will adopt after an opinion from the Standing Committee for Food an inventory of flavourings whose legal use in foodstuffs will be recognized by the other Member States; - within ten months from the adoption of the inventory, the adoption of a programme for evaluation of all substances included in the inventory. During this period, the Member States could suspend or restrict the use of a flavouring substance under a specific safeguard clause. Second stage: within five years from the adoption of the evaluation programme, the adoption by the Commission of the positive list following the Commitology procedure IIIB. ?

Flavouring substances used or for use in foodstuffs

Although the procedure for drawing up the positive list in two stages was acceptable, the Commission did not agree that the type IIIb committee procedure should be used for the adoption of the positive list. ?

Flavouring substances used or for use in foodstuffs

The committee adopted seven amendments (amendments 1, 3, 4, 5, 6, 9 and 10). Amendment 1 inserted a recital to the effect that "flavouring substances intended for use in foodstuffs which contain or consist of genetically engineered organisms or are produced by such organisms shall fulfil the requirements of specific EU legislation on the marketing of such products". Amendments 6 and 10 also dealt with genetic modification. In amendment 10, the committee added a passage insisting that when a genetically modified flavouring organism was allowed on the market, it must be labelled as being "genetically modified" or containing "genetically modified organisms" or "produced by gene technology". Amendment 4 added a recital to the effect that substances which, on public health-related or scientific grounds, could not be accepted by the Community's Scientific Committee for Food would not be included on the list of authorized flavouring substances. Amendment 5 introduced a passage whereby "flavouring substances shall be designated in such a way as to protect the intellectual property and rights of the flavouring substances' producer". ?

Flavouring substances used or for use in foodstuffs

The rapporteur declared her support for Amendment No 2, which proposed that flavouring substances should be subjected to a full examination in order to prevent any risk to the environment, and also wanted to see the result of any genetic modification of such substances clearly displayed by appropriate labelling. Commissioner Bangemann replied that labelling was governed by another directive, whereas the genetic modification of flavourings did not come within the remit of the directive in question. He could, however, accept Amendment No 2, which provided for a full preliminary examination, and Amendment No 4, which related to the protection of patents on behalf of the producers of flavouring substances.

Flavouring substances used or for use in foodstuffs

Adopting the report by Mrs Kirsten JENSEN (PSE, DK), Parliament amended at second reading the proposal for a regulation on flavouring substances used in foodstuffs. It called for already authorized flavouring substances produced in processes or with primary substances which were not the basis for the Scientific Committee for Food's assessment to be resubmitted to the Scientific Committee for Food for a complete assessment. Flavouring substances should be designated in such a way as to protect the intellectual property rights of the flavouring substances' producer.?

Flavouring substances used or for use in foodstuffs

The Commission agreed with the two amendments adopted by the European Parliament at second reading and amended its proposal accordingly. - the Commission accepted the insertion of a recital concerning the re-evaluation by the Scientific Committee for Food of substances already authorized but produced using different methods; - the Commission accepted the amendment relating to the designation of substances in the form of a positive list and agreed that intellectual property should be protected. However, a suitable, transparent procedure would be needed in order to protect both intellectual property and consumer interests.?

Flavouring substances used or for use in foodstuffs

The Council agreed to take over Parliament's amendments to the common position of 23 November 1995 and as a result adopted the regulation by qualified majority, with the French delegation abstaining.

Flavouring substances used or for use in foodstuffs

OBJECTIVE: to lay down a Community procedure for flavouring substances used or intended for use in foodstuffs. COMMUNITY MEASURE: European Parliament and Council Regulation (EC) No 2232/96. SUBSTANCE: the procedure for the establishment of rules in respect of flavouring substances is as follows: Initially, Member States should notify to the Commission a list of the flavouring substances which may, in accordance with the basic directive (Directive 88/388/EEC) be used on their territory. The Commission will then have one year to draw up a register of the notified substances which would be the subject of mutual recognition. Within ten months of the register being adopted, a programme for the evaluation of the substances contained therein will be adopted. The Commission, which will be assisted by the Standing Committee on Foodstuffs, will then have five years to draw up, on the basis of the scientific evaluations, a 'positive list' of the flavouring substances authorized at Community level. The substances authorized will be such as not to constitute a danger to public health and whose use is not misleading. Pending the adoption of the Community list, i.e. during the period of mutual recognition, Member States may have recourse to a safeguard clause where they consider that a flavouring substance is likely to constitute a danger to public health. DATE OF ENTRY INTO FORCE: 23 November 1996. ?

