

Flavourings – State of play

BRIEFING

Date: 4 March 2012

Positive list of flavourings

The Commission has been working to finalise the positive list of flavourings with a few changes to the previous versions. More information will follow

Timing:

The Commission aims to finalise the proposal in March
SCOFCAH vote: End of March / April
Adoption by the Commission (process: old commitology)
Publication in the Official Journal: Summer 2012
Transitional period for compliance: 18 months

The list, for a period of time, will have some footnotes to address some of the substances that EFSA is still evaluating. These substances will be permitted for use until an EFSA opinion suggests they should not be and at this point they will be removed from the list.

The original list will contain all the chemically defined flavouring substances. After the list is adopted a second exercise will commence assessing the other types of flavourings which will need to be subjected to a positive list; namely non-food flavouring preparations, non-food flavouring precursors and other flavourings.

In summary:

1. Flavouring substances – they have to be evaluated and be included in the positive list
2. Flavouring preparations
 - a. From food – general food law applies – they need to be safe and suitable
 - b. From sources other than food – will need to be evaluated and be part of the positive list (second stage)
3. Thermal processes flavourings – If they follow the criteria set in Annex V of the flavourings framework, they will not need to be in the positive list; however if they deviate from the criteria in that annex, they will need to go through an approval process and be incorporated in the positive list.

4. Flavour precursors
 - a. From food – they should be safe and suitable
 - b. From sources other than food – will need to be evaluated and be part of the positive list (second stage)
5. Other flavourings
 - a. From food – they should be safe and suitable
 - b. From sources other than food – will need to be evaluated and be part of the positive list (second stage)
6. Smoke flavourings – covered by other legislation and subjected to an specific approval process.

**** Substances with dual use**

E.g. caffeine; the flavourings positive list is likely to set a maximum level for caffeine. This level applies when caffeine is being used in the product for flavouring properties. If caffeine is being used in a high energy drink for its physiological effects, the appropriate legislation will apply – not the flavourings Regulation (at the moment no maximum level is set for this purpose).

**** Food source**

One of the complications is to establish whether the source used for the production of the flavouring preparation is a food or not. The confusion arises from the fact that the Regulation lists things like strawberry leaves, which are not normally consumed, as a food source. There have been discussions about potentially creating a list of food sources; however neither the Commission nor the Member States have the resources to develop this list and are looking at industry.

**** Enhancing or modifying**

Flavour enhancer = additive
Flavour modifier = flavouring

The Commission is in the process of developing some guidance helping understand the difference. This guidance will be published at the same time as the positive list of flavourings.

Smoke flavourings

EFSA has been evaluating all smoke flavourings since 2005. Their evaluation is expected to finish in July 2012.

A proposal is expected in September this year and the final list of permitted smoke flavourings with conditions of use by the end of the year.

Discussions are taking place at the moment on the appropriate safety factor to be used. Member States are divided with the majority supporting pragmatism.