Opinion on the proposal for a European Parliament and Council Regulation (EC) laying down a Community procedure for flavouring substances used in foodstuffs [1]

(94/C 195/02)

On 20 December 1993 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 April 1994. The Rapporteur was Mr Gardner.

At its 315th Plenary Session (meeting of 27 April 1994), the Economic and Social Committee adopted the following Opinion by a majority vote, with one abstention.

1. Introduction

Directive 88/388/EEC regulates flavouring substances used in food. It divides these substances into:

— Natural

— Nature identical

— Artificial.

Vanillin is an example of the first two and ethyl vanillin of the third.

This proposal sets out a mechanism for establishing a detailed list of these flavouring substances.

2. General comments

The Committee endorses the over-riding need for protecting the health and safety of consumers in the context of flavouring substances.

There are around 3,500 flavouring substances in normal use in the EU, most of them natural and nature identical. The great majority of these is present in foods such as plants, spices, animal products and other materials which have been consumed since time immemorial. The main part of flavour intake will continue to come from these items.

Any list therefore should start with a Community evaluation of artificial flavours and proceed to others only where necessary.

Subject to that and the comments below, the Committee approves this proposal.

3. Detailed comments

3.1. *Article 1.1*

The general approach is very sensible. However the seventh indent (smoke flavours) should also be covered as these are the ones most likely to present health risks if wrongly produced. Since these are often mixtures of variable chemical composition they have to be evaluated by different methods. Therefore the Committee urges the Commission to issue a separate proposal to deal with these.

3.2. *Article 2.2*

The requirement for necessity in 2 above needs specifying.

Also in certain cases conditions of use must be laid down to safeguard the consumers' health. Therefore Article 2.2. should be amended as follows:

> 'Where necessary a list of flavouring substances, the use of which is authorized to the exclusion of all others will be laid down. This list may be drawn up in stages.
>
> This list shall be adopted in accordance with the procedure in Article 4 and may include conditions under which flavouring substances may be added if these are considered necessary for health reasons.'

3.3. *Article 7*

The date is obviously fictitious.

[1] OJ No C 1, 4. 1. 1994, p. 22.

3.4. *Annex I.1 — first indent*

The tests required by the SCF must be based on the need to safeguard the health and safety of consumers.

3.5. *Annex I.1 — second indent*

It is difficult to use flavours to disguise the effects of faulty raw materials or of undesirable manufacturing practice to mislead the consumer. This indent should be strengthened to read simply:

'— and their use does not mislead the consumer.'

3.6. *Annex I.3*

The Committee stresses the importance of the final part of the sentence and is strongly in favour of constant re-evaluation, particularly in the case of new substances.

3.7. *Financial impact*

No impact statements are given either on financial implications or effects on SMEs and 'craftsmen'.

A 90-day study for each flavouring substance would cost around ECU 100,000 to 150,000 and the testing of all 3,500 flavours would tie up the toxicological testing facilities in the Community for decades. This is another reason for a selective approach.

3.8. *Confidentiality*

There needs to be a confidentiality clause covering the information that has to be disclosed for a positive list. Such a clause is necessary if flavour research in the EU is to continue. Perhaps this could be handled in a manner similar to pharmaceuticals.

Done at Brussels, 27 April 1994.

The Chairman

of the Economic and Social Committee

Susanne TIEMANN