



2024/1004

3.4.2024

**COMMISSION DELEGATED REGULATION (EU) 2024/1004**

**of 22 January 2024**

**supplementing Regulation (EU) 2017/625 of the European Parliament and the Council by establishing the European Union reference laboratory for food improvement agents**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) <sup>(1)</sup>, and in particular Article 92(4) thereof,

Whereas:

- (1) Food improvement agents ('FIA') refers to food additives, food enzymes and food flavourings, which are substances intentionally added to food for a technological or organoleptic purpose. The use of FIA is subject to a common Union authorisation procedure, laid down in Regulation (EC) No 1331/2008 of the European Parliament and of the Council <sup>(2)</sup>.
- (2) Pursuant to Regulation (EU) 2017/625, official controls are to be performed for the verification of compliance with the rules in the area of food and food safety.
- (3) Commission Recommendation (EU) 2023/965 <sup>(3)</sup> contains requirements on the monitoring of the intake of food additives and food flavourings authorised in accordance with Regulations (EC) No 1333/2008 <sup>(4)</sup> and (EC) No 1334/2008 <sup>(5)</sup> of the European Parliament and of the Council, namely on the collection of data on the presence and occurrence of food additives and food flavourings in food.
- (4) Pursuant to Article 92 of Regulation (EU) 2017/625, a European Union reference laboratory is to be established where there is a recognised need to promote uniform practices regarding the development or use of the methods of analysis, test or diagnosis performed by the official laboratories designated in accordance with Article 37(1) of that Regulation. This is the case where the effectiveness of official controls depends on the quality, uniformity and reliability of those methods and results.

<sup>(1)</sup> OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/2022-01-28>.

<sup>(2)</sup> Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/1331/2021-03-27>).

<sup>(3)</sup> Commission Recommendation (EU) 2023/965 of 12 May 2023 on the methodology for the monitoring of food additive and food flavouring intake (OJ L 129, 16.5.2023, p. 17, <http://data.europa.eu/eli/reco/2023/965/oj>).

<sup>(4)</sup> Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16, ELI: <http://data.europa.eu/eli/reg/2008/1333/oj>).

<sup>(5)</sup> Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34, ELI: <http://data.europa.eu/eli/reg/2008/1334/2023-03-21>).

- (5) The establishment of a reference laboratory in the area of FIA is necessary to be able to perform official controls effectively within the Union. In particular, the establishment of a reference laboratory is needed in order to ensure a certain level of harmonisation as regards sampling criteria and analytical methods used for the collection of data on food additives and food flavourings, and to provide support to official laboratories in the area of food enzymes.
- (6) This Regulation should therefore establish a European Union reference laboratory for FIA,

HAS ADOPTED THIS REGULATION:

*Article 1*

The European Union reference laboratory for food improvement agents is hereby established.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 January 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN