



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.06.1996
COM(96) 270 final - COD 478

OPINION OF THE COMMISSION

pursuant to Article 189 b (2) (d) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the

proposal for a
EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)
laying down a Community procedure for flavouring substances
used or intended for use in foodstuffs.

AMENDING THE PROPOSAL OF THE COMMISSION

pursuant to Article 189 a (2) of the EC Treaty

On 22 May 1996 the European Parliament adopted 2 amendments to the common position adopted by the Council on 22 December 1995 in respect of the Commission proposal for a Regulation of the European Parliament and the Council laying down a Community procedure for flavouring substances used or intended for use in foodstuffs¹.

In accordance with paragraph 2 (d) of Article 189b of the EC Treaty, the Commission is able to give a favourable opinion on the 2 amendments adopted by Parliament for the following reasons:

- the Commission can accept the addition of a recital on the re-evaluation by the Scientific Committee for Food of already authorised flavouring substances, produced by different methods. This principle is already applied in the directive on purity criteria for food additives recently adopted by the Commission.
- the Commission can accept the amendment concerning the designation of substances in the positive list. The Commission agrees that intellectual property shall be protected. It will however be necessary to elaborate an appropriate and transparent procedure which at the same time protects intellectual properties and the interests of the consumer.

¹ COM (93) 609 final; COD 478; O.J. N° C 1., 4.1.1994. COM (94) 236 final; O.J. N° C 171, 24.6.1994, p.11

Amended proposal for a
EUROPEAN PARLIAMENT AND COUNCIL REGULATION (EC)
laying down a Community procedure for flavouring substances
used or intended for use in foodstuffs.

(presented by the Commission pursuant to Article 189 A (2) of the EC Treaty)

Current Proposal

Amended Proposal

Recital 9

Whereas this list must be open-ended and capable of being amended in the light of scientific and technical developments

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Whereas already authorised flavouring substances, which are to be produced in processes or with primary substances which were not the basis for the Scientific Committee for Food's assessment, shall be resubmitted to the Scientific Committee for Food for a complete assessment.

Article 3(2)

On the basis of the notification provided for in paragraph 1, and following Commission scrutiny of the notification, in the light of subparagraph (c), flavouring substances, the legal use of which in one Member State must be recognized by the other Member States shall be entered in a register which shall be adopted in accordance with the procedure laid down in Article 7 within a year of the end of the notification period provided for in paragraph 1. If necessary, this register may comprise conditions of use.

On the basis of the notification provided for in paragraph 1, and following Commission scrutiny of the notification, in the light of subparagraph (c), flavouring substances, the legal use of which in one Member State must be recognized by the other Member States shall be entered in a register which shall be adopted in accordance with the procedure laid down in Article 7 within a year of the end of the notification period provided for in paragraph 1. If necessary, this register may comprise conditions of use.

Flavouring substances shall be designated in such a way as to protect the intellectual property rights of the flavouring substances' producer.

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