

2011 – What Now?

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2011 – The end of the Road ?

- Regulation 1334/2008 applied from the 20th January 2011
- What happens now?
- Just the start of the Regulatory process !

Further Legislation under development

- ◆ Implementation Measures
- ◆ Union List of Flavouring Substances
- ◆ Additives to Flavourings
- ◆ Smoke flavourings
- ◆ Union List of Enzymes
- ◆ Food Information Regulation

Implementation Measures

- Made under the Common Authorisation Regulation
- One piece of Legislation covering Additives, Flavourings, and Enzymes
- Agreed by the Member States
- Currently going through Parliament
- Comes into force 6 months after adoption

What does it do??

- Tells you how to propose a new flavouring substance
- Tells you how to change the specification or production process for an existing substance
- Tells you how to change the authorisation conditions

The Union List = The Community List

- Should have been adopted by the end of last year
- Possibly now by the end of 2011
- However it wont be applicable until at least mid 2013 because there is at least one 18 month transition period

Union List – What will it contain?

- Hopefully all the materials on the Register !
- This includes Pending substances - these will have an *
 - * will give the date by which the additional data has to be submitted
- Some NNS will be included but not all

Union List – What will it look like ?

- List of permitted materials
- Some identifying numbers - Flavis, JECFA, CAS, C of E, Assay Value
- Restrictions of Use but only where thought to be necessary

Union List - what are the Pending substances?

- Materials in FGE 19
 - ◆ Genotoxicity questions
- Materials with Foot note 10
 - ◆ Additional data
- *Some NNS*
 - ◆ *Those which have not been through JECFA*

Union List of materials other than substances

- Rum ether - dossier developed , discussions on going as to how to handle impurities .
- Grill flavourings - Debate as to whether they are Flavouring Preparations or Other Flavourings.
- ???

Additives to Flavourings

- Covered by Part 4 of Annex III of the Additive Regulation 1333/2008
- Should be very similar to existing provisions in Directive 95/2
- Currently being considered in Parliament and Council

Additives to Flavourings – What has changed?

- Additives to Flavourings What has changed?
- Colourings not allowed – Originally those listed in Annex V part 1 were permitted
 - ◆ Now none are allowed
- Silicates -originally silicates were allowed in dry powdered foodstuffs
 - ◆ now restricted to silicon dioxide in flavourings .

Primary Smoke Products Legislation

- Currently “on hold” pending EFSA evaluation of additional data submitted by two producers
- Latest estimate for a new draft is the end of 2011
- Some discussion ongoing in Member States WG on what is meant by traditional smoking – is this just surface treatment?

Union List of Enzymes

- Regulation 1332/2008 requires the establishment of a Union List of enzymes
- Industry has 2 years to submit the dossiers – likely to be 2014
- No time limit set for EFSA evaluation but likely to be some considerable time
- All enzymes used in flavour production will be included

Food Information Regulation

- Will replace the existing Labelling Regulation
- Currently at 2nd Reading Stage
- Will not come into force until 2015 at the earliest
- Some sections will affect the way flavourings are labelled on the final food

Food Information Regulation – Ingredients Listing

- Although the version agreed at 1st reading used the wording in 88/388 this will be replaced in later versions with the wording in 1334/2008
- CIAA are still trying to revert to 88/388 i.e. “Natural Flavouring” for all flavourings

Food Information Regulation – Front of Pack

- Although not in the original proposal the Parliament introduced labelling requirements for “imitation products”
- Although not specifically aimed at flavoured products the wording looks likely to catch them
- The amendment has some support at Council and hence may well be adopted

Guidance Documents



EFFA

- ◆ Guidance on the Regulations
- ◆ Q &A Document
- ◆ Guidance on Natural processes

CIAA

- ◆ Guidance on the Regulations from the food Industries perspective, with emphasis on Labelling

EFFA Guidance - Natural Processes

- Specialist Working Group set up
- Detailed guidance on what processes are acceptable
- Currently working on a Q &A document
- Addressing specific questions eg Vanillin, grill flavourings

EFFA Guidance – 1334/2008

- Original Guidance Document has been updated
- Q & A's on labelling prepared

CIAA - Structure of Guidance Document

Chapter 1: Overview on the scope and definitions

Chapter 2: Summary diagram on timescale for implementation

Chapter 3: Sales description for flavourings

Chapter 4: Labelling of Flavourings in the ingredients list

Chapter 5: Undesirable substances listed in Annex 3 – B

Chapter 6: Communication of data and monitoring of intake

Chapter 7: Organoleptic controls

Annex I – Timescale for application

CIAA Guidance - -General structure of chapters & annexes

Where appropriate the Guidelines include:

- Legal text as provided in the legislation
- Further explanations or clarifications
- Industry common understanding
- Examples (e.g. labelling examples)
- Notes, footnotes or specific information

Chapter 1 - Scope and definition

- 1.1 Scope (Art. 2)
- 1.2 Definitions (Art.

Chapter 2 - Timescale

A chart providing details of the key dates is provided

Chapter 3 – Sales description for flavourings

- The Guidance provides details of -
 - ◆ 3.1 Use of the term « natural » Art. 16 (2)
 - ◆ 3.2 « Natural X flavouring » Art. 16 (4)
 - The 95/5 rule
 - What can be « X »?
 - ◆ 3.3 « Natural X flavouring with other natural flavourings » Art. 16 (5)
 - ◆ 3.4 « Natural flavouring » Art. 16 (6)
 - ◆ 3.5 « Natural flavouring substance(s) » Art. 16 (3)

Chapter 4 - Labelling of flavourings in the ingredients list

- 4.1 Case of a manufacturer of a finished product using several flavourings in the same food
- 4.2 Case of manufacturer of a product which consists of several flavours of the same food sold in one package eg mixed sweets
- 4.3 Case of flavourings containing a smoke flavouring which imparts a smoky note to the food (Art. 29)
- 4.4 Additional labelling examples

Chapter 5 - Undesirable substances listed in Annex III part B

Guidance is provided on

5.1 Substances which may not be added as such to foods

5.2 The « major contributors approach »

5.3 Special cases: Annex III part B – (*) footnote

5.4 Relationship with Directive 88/388

Chapter 6 - Communication of data and monitoring of intake

- 6.1 Information to be communicated by food business operators (Art. 19)
- 6.2 Intake and report from Member States (Art. 20)

Chapter 7 Organoleptic Controls

Annex I - Timescale for Application

- I.1 Entry into force and date of application (Art. 30)
- I.2 End of marketing of non-complying foods and flavourings (Art. 30)
- I.3 Union List of flavourings and source materials (Art. 8 to 13)

Annex II – What has changed?

- II.1 Scope
- II.2 Maximum level of certain substances –
Annex II Part B
- III.3 Labelling of flavourings intended for
sale to the final consumer

Example

- Composition of the flavouring Component
 - 87% Strawberry
 - 10% Raspberry
 - 3% Blackcurrant bud absolute (no impact on overall flavour)
- Possible options
 - ◆ Natural strawberry and raspberry flavouring
 - ◆ Natural strawberry flavouring with other natural flavourings (providing that strawberry is the recognisable flavour)
 - ◆ Natural raspberry flavouring with other natural flavourings (providing that raspberry is the recognisable flavour)
 - ◆ Natural flavouring if neither raspberry or strawberry is recognisable
 - ◆ Natural Fruit flavourings
 - ◆ Strawberry and Raspberry flavourings
 - ◆ Flavourings

Example of a meat Flavouring

- Composition of Flavouring component

- 100% yeast extract

- Possible options

- ◆ Natural Flavouring
- ◆ Meat flavouring
- ◆ Flavouring

- Options which are not believed to be allowed

- ◆ Natural yeast flavouring
- ◆ Natural Meat flavouring

Thank you for your attention

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