

COMMISSION REGULATION (EU) 2016/178**of 10 February 2016****amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Articles 11(3) and 25(3) thereof,

Having regard to 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 ⁽²⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in and on foods and their conditions of use.
- (2) Commission Implementing Regulation (EU) No 872/2012 ⁽³⁾ adopted the list of flavouring substances and introduced that list in Part A of Annex I to Regulation (EC) No 1334/2008.
- (3) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application submitted by a Member State or by an interested party.
- (4) The Union list of flavourings and source materials contains a number of substances for which the European Food Safety Authority (EFSA) has not completed the evaluation or it has requested additional scientific data to be provided for completion of the evaluation. For four of these substances, namely, vetiverol (FL No 02.214), vetiveryl acetate (FL No 09.821), 2-acetyl-1,4,5,6-tetrahydropyridin (FL No 14.079), and 2-propionyl pyrroline 1 % vegetable oil triglycerides (FL No 14.168), the persons responsible for placing these flavouring substances on the market have now withdrawn the application. Therefore, these flavouring substances should be removed from the Union list.
- (5) With regard to substance methyl-2-mercaptopropionate (FL No 12.266), the person responsible for placing it on the market has indicated that it no longer supports its use. Therefore, this flavouring substance should be removed from the Union list.
- (6) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended accordingly.
- (7) Article 1 of Commission Regulation (EU) No 873/2012 ⁽⁴⁾ laid down transitional measures for food containing flavouring substances which were lawfully placed on the market or labelled prior to 22 October 2014 in order to ensure a smooth transition in the market. An equivalent additional transitional period should be provided for food containing those five substances in order to enable food business operators to adapt to the requirements laid down in this Regulation.

⁽¹⁾ OJ L 354, 31.12.2008, p. 34.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC (OJ L 267, 2.10.2012, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ L 267, 2.10.2012, p. 162).

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of Annex I to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

Article 2

Foods containing the flavouring substances vetiverol (FL No 02.214), vetiveryl acetate (FL No 09.821), methyl-2-mercaptopropionate (FL No 12.266), 2-acetyl-1,4,5,6-tetrahydropyridin (FL No 14.079), and 2-propionyl pyrroline 1 % vegetable oil triglycerides (FL No 14.168), which are lawfully placed on the market or labelled prior to 6 months after the date of entry into force of this Regulation but which do not comply with Part A of Annex I to Regulation (EC) No 1334/2008 may be marketed until their date of minimum durability or use by date.

Article 3

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, 10 February 2016.

For the Commission
The President
Jean-Claude JUNCKER

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ANNEX

In Part A of Annex I to Regulation (EC) No 1334/2008, the following entries are deleted:

'02.214	Vetiverol	89-88-3	1866	10321			2	EFSA
09.821	Vetiveryl acetate	117-98-6	1867	11887			2	EFSA
12.266	Methyl-2-mercaptopropionate	53907-46-3						EFSA
14.079	2-Acetyl-1,4,5,6-tetrahydropyridin	27300-27-2					2	EFSA
14.168	2-Propionyl pyrroline 1 % vegetable oil triglycerides	133447-37-7	1605				2	EFSA'