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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.10.2008  
COM(2008) 605 final

2006/0143 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the  
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**establishing a common authorisation procedure for food additives, food enzymes and  
food flavourings**

AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the  
EC Treaty

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### **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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#### **1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by the Parliament.

#### **2. BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM((2006)0423 final – 2006/0143(COD):	28 July 2006
Date of the opinion of the European Economic and Social Committee:	25 April 2007
Date of the opinion of the European Parliament, first reading:	10 July 2007
Date of transmission of the amended proposal:	24 October 2007
Date of political agreement	17 December 2007
Date of adoption of the common position:	10 March 2008
Date of the opinion of the European Parliament (Second Reading)	8 July 2008

#### **3. PURPOSE OF THE PROPOSAL**

As part of the efforts undertaken to improve Community legislation on the basis of the “farm to fork” concept, in the White Paper on Food Safety, the Commission announced its intention to update and complete existing legislation with regard to food additives and flavourings and to lay down specific provisions in respect of food enzymes.

This proposal aims to ensure the proper functioning of the internal market, while also ensuring a high level of protection of human health as regards food additives, food enzymes and food flavourings.

In order to do this, it will establish a common authorisation procedure that is centralised, effective and transparent and that is based on risk assessment carried out by the European Food Safety Authority (EFSA) and a risk management system in which the Commission takes action within the framework of a regulatory committee procedure (comitology). It assigns to the Commission, on the basis of the EFSA's scientific assessments, the task of creating, maintaining and updating a general Community list for each category of substances concerned. The inclusion of a substance on one of these lists means that its use is authorised in general for all operators in the Community.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

The EP voted in second reading a consolidated text which contains a number of amendments to the text of the Common Position. The text is the result of negotiations between the Council, the EP and the Commission. All amendments are mainly of technical nature and are in line with and strengthen the key principles of the initial proposal, namely the transparency of the procedure and the environmental aspects in the food legislation. The most important amendment concerns the introduction of a recital which clarifies that, in the future, derogations to the common authorisation procedure can be introduced in individual sectoral texts to allow for preferential authorisation under certain conditions. Another amendment increases the deadline for EFSA to perform the safety assessment of a substance from six to nine months.

The Commission accepts all the amendments voted by the EP. The outcome of the second reading in the EP was very satisfactory.

#### **5. CONCLUSION**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.