Commission Regulation (EU) No 985/2013 of 14 October 2013 amending and correcting Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances (Text with EEA relevance)

COMMISSION REGULATION (EU) No 985/2013

of 14 October 2013

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(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 Article 11(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(5) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials for use in food and their conditions of use.

(2) Part A of the Union list contains both evaluated flavouring substances, which are assigned no footnotes and flavourings substances under evaluation, which are identified by footnote references 1 to 4 in that list.

(3) The European Food Safety Authority has completed the assessment of 23 substances which are currently listed as flavouring substances under evaluation. Those flavouring substances were assessed by the EFSA in the following flavouring group evaluations: evaluation FGE.06rev4[(3)] (substances FL Nos 02.229, 05.137, 09.562 and 09.854), evaluation FGE.07rev4[(4)] (substances FL Nos 02.145, 02.194, 02.211, 07.198 and 07.204), evaluation FGE.08rev5[(5)] (substance FL No 15.134), evaluation FGE.09rev4[(6)] (substances FL Nos 07.202 and 07.255), evaluation FGE.12rev3[(7)] (substance FL No 05.182), evaluation FGE.20rev4[(8)] (substances FL Nos 05.026, 05.028, 05.029 and 09.858), evaluation in FGE.23rev4[(9)] (substance FL No 13.170), evaluation in FGE.63rev1[(10)] (substances FL Nos 02.252, 07.190 and 09.936), evaluation FGE.94rev1[(11)] (substance FL No 16.095) and evaluation FGE.304[(12)] (substance FL No 16.123). The EFSA concluded that those flavouring substances do not give rise to safety concerns at the estimated levels of dietary intakes.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 985/2013. (See end of Document for details)*

(4) Therefore, the flavouring substances assessed in those flavouring group evaluations should be listed as evaluated substances by deleting footnote references 1 to 4 in the relevant entries of the Union list.

(5) After publication of the Union list, certain errors have been identified in that list. Those errors are related to names, CAS-numbers, JECFA-numbers or secondary components of the followings substances: FL Nos 02.093, 02.110, 05.085, 08.004, 09.016, 09.131, 09.132, 09.266, 09.578, 09.596, 09.880, 12.075, 12.086, 12.273, 13.028, 13.190, 14.067 and 17.015. The errors should be corrected.

(6) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended and corrected accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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

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, 14 October 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

Part A of Annex I to Regulation (EC) No 1334/2008 is amended as follows:

(1) the entry concerning FL No 02.093 is replaced by the following:

02.093	(Z)-Non-6-en-1-ol	35854-86-5	24	10294				JECFA

(2) the entry concerning FL No 02.110 is replaced by the following:

02.110	2,6-Dimethylhept-6-en-1-ol	36806-46-3	48		At least 90 %; secondary component 5-10 % 2,6-dimethyl-5-hepten-1-ol			JECFA

(3) the entry concerning FL No 02.145 is replaced by the following:

02.145	2,6-Dimethylocta-1,5,7-trien-3-ol	29414-56-0						EFSA

(4) the entry concerning FL No 02.194 is replaced by the following:

02.194	Octa-1,5-dien-3-ol	83861-74-9						EFSA

(5) the entry concerning FL No 02.211 is replaced by the following:

02.211	Undeca-1,5-dien-3-ol	56722-23-7						EFSA

(6) the entry concerning FL No 02.229 is replaced by the following:

02.229	(-)-3,7-Dimethyl-6-octen-1-ol	7540-51-4			At least 90 % cis-isomer; secondary components 2-6 % di-unsaturated			EFSA

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					and saturated C10 alcohols, 2-4 % citronellyl acetate and 2-3 % citronellal			

(7) the entry concerning FL No 02.252 is replaced by the following:

02.252	4,8-Dimethyl-3,7-nonadien-2-ol	67845-50-8	1841					EFSA

(8) the entry concerning FL No 05.026 is replaced by the following:

05.026	o-Tolualdehyde	529-20-4						EFSA

(9) the entry concerning FL No 05.028 is replaced by the following:

05.028	m-Tolualdehyde	620-23-5						EFSA

(10) the entry concerning FL No 05.029 is replaced by the following:

05.029	p-Tolualdehyde	104-87-0						EFSA

(11) the entry concerning FL No 05.085 is replaced by the following:

05.085	(Z)-Hept-4-enal	6728-31-0	2020	2124	At least 93 % of Z-form of hept-4-enal; secondary component 2-5 % of E-form of hept-4-enal.			JECFA

(12) the entry concerning FL No 05.137 is replaced by the following:

05.137	Dec-4(cis)-enal	21662-09-9			At least 90 %; secondary component at least 5 % trans-isomer			EFSA

(13) the entry concerning FL No 05.182 is replaced by the following:

05.182	2,6,6-Trimethylcyclohex-2-ene-1-carboxaldehyde	432-24-6						EFSA

(14) the entry concerning FL No 07.190 is replaced by the following:

07.190	Octa-1,5-dien-3-one	65213-86-1	17848		Mixture of stereoisomers: 60-90 % E-form and 10-40 % Z-form			EFSA

(15) the entry concerning FL No 07.198 is replaced by the following:

07.198	Pseudo-ionone	141-10-6		11191				EFSA

(16) the entry concerning FL No 07.202 is replaced by the following:

07.202	2,6,6-Trimethylcyclohex-2-en-1-one	20013-73-4						EFSA

(17) the entry concerning FL No 07.204 is replaced by the following:

07.204	3,3,6-Trimethylhepta-1,5-dien-4-one	546-49-6						EFSA

(18) the entry concerning FL No 07.255 is replaced by the following:

07.255	l-Piperitone	4573-50-0	16856					EFSA