II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 16 January 1991

completing Council Directive 88/388/EEC on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production

(91/71/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production (1), and in particular Article 6 (4) thereof,

Whereas difference between the laws, regulations and administrative provisions of Member States on the labelling of flavourings intended for sale to the final consumer may impede the free circulation of these products and lead to unequal conditions of competition ;

Whereas the main objective of any provisions on the labelling of flavourings should be the need to inform and protect the consumer ;

Whereas in accordance with the procedure laid down in Article 10 of Council Directive 88/388/EEC, a draft of the measures to be taken was submitted to the Standing Committee for Foodstuffs which was unable to express an opinion ; whereas under the same procedure, the Commission consequently submitted to the Council a proposal relating to the measures to be taken ;

Whereas since the Council had not adopted any measures by the end of the three months it was given, the Commission must adopt the proposed measure,

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following Article shall be added :

'Article 9a

1. Flavourings intended for sale to the final consumer may not be marketed unless their labels indicate the following obligatory information, which should be easily visible, clearly legible and indelible :

(a) either the word "flavouring" or a more specific name or description of the flavouring ;

(b) either the words "for foodstuffs" or a more specific reference to the foodstuff for which the flavouring is intended ;

(1) OJ No L 184, 15. 7. 1988, p. 61.