

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 (Text with EEA relevance)

## CHAPTER I

### SUBJECT MATTER, SCOPE AND DEFINITIONS

#### *Article 1*

##### **Subject matter**

This Regulation lays down rules on flavourings and food ingredients with flavouring properties for use in and on foods with a view to ensuring the effective functioning of the internal market whilst ensuring a high level of protection of human health and a high level of consumer protection, including the protection of consumer interests and fair practices in food trade, taking into account, where appropriate, the protection of the environment.

For those purposes, this Regulation provides for:

- (a) a Community list of flavourings and source materials approved for use in and on foods, set out in Annex I (hereinafter referred to as the 'Community list');
- (b) conditions of use of flavourings and food ingredients with flavouring properties in and on foods;
- (c) rules on the labelling of flavourings.

#### *Article 2*

##### **Scope**

- 1 This Regulation shall apply to:
  - a flavourings which are used or intended to be used in or on foods, without prejudice to more specific provisions laid down in Regulation (EC) No 2065/2003;
  - b food ingredients with flavouring properties;
  - c food containing flavourings and/or food ingredients with flavouring properties;
  - d source materials for flavourings and/or source materials for food ingredients with flavouring properties.
- 2 This Regulation shall not apply to:
  - a substances which have exclusively a sweet, sour or salty taste;
  - b raw foods;
  - c non-compound foods and mixtures such as, but not exclusively, fresh, dried or frozen spices and/or herbs, mixtures of tea and mixtures for infusion as such as long as they have not been used as food ingredients.

### Article 3

#### Definitions

1 For the purposes of this Regulation, the definitions laid down in Regulations (EC) No 178/2002 and (EC) No 1829/2003 shall apply.

2 For the purposes of this Regulation, the following definitions shall also apply:

- a 'flavourings' shall mean products:
  - (i) not intended to be consumed as such, which are added to food in order to impart or modify odour and/or taste;
  - (ii) made or consisting of the following categories: flavouring substances, flavouring preparations, thermal process flavourings, smoke flavourings, flavour precursors or other flavourings or mixtures thereof;
- b 'flavouring substance' shall mean a defined chemical substance with flavouring properties;
- c 'natural flavouring substance' shall mean a flavouring substance obtained by appropriate physical, enzymatic or microbiological processes from material of vegetable, animal or microbiological origin either in the raw state or after processing for human consumption by one or more of the traditional food preparation processes listed in Annex II. Natural flavouring substances correspond to substances that are naturally present and have been identified in nature;
- d 'flavouring preparation' shall mean a product, other than a flavouring substance, obtained from:
  - (i) food by appropriate physical, enzymatic or microbiological processes either in the raw state of the material or after processing for human consumption by one or more of the traditional food preparation processes listed in Annex II;  
and/or
  - (ii) material of vegetable, animal or microbiological origin, other than food, by appropriate physical, enzymatic or microbiological processes, the material being taken as such or prepared by one or more of the traditional food preparation processes listed in Annex II;
- e 'thermal process flavouring' shall mean a product obtained after heat treatment from a mixture of ingredients not necessarily having flavouring properties themselves, of which at least one contains nitrogen (amino) and another is a reducing sugar; the ingredients for the production of thermal process flavourings may be:
  - (i) food;  
and/or
  - (ii) source material other than food;
- f 'smoke flavouring' shall mean a product obtained by fractionation and purification of a condensed smoke yielding primary smoke condensates, primary tar fractions and/or derived smoke flavourings as defined in points (1), (2) and (4) of Article 3 of Regulation (EC) No 2065/2003;
- g 'flavour precursor' shall mean a product, not necessarily having flavouring properties itself, intentionally added to food for the sole purpose of producing flavour by breaking

down or reacting with other components during food processing; it may be obtained from:

- (i) food;  
and/or
  - (ii) source material other than food;
- h 'other flavouring' shall mean a flavouring added or intended to be added to food in order to impart odour and/or taste and which does not fall under definitions (b) to (g);
- i 'food ingredient with flavouring properties' shall mean a food ingredient other than flavourings which may be added to food for the main purpose of adding flavour to it or modifying its flavour and which contributes significantly to the presence in food of certain naturally occurring undesirable substances;
- j 'source material' shall mean material of vegetable, animal, microbiological or mineral origin from which flavourings or food ingredients with flavouring properties are produced; it may be:
- (i) food;  
or
  - (ii) source material other than food;
- k 'appropriate physical process' shall mean a physical process which does not intentionally modify the chemical nature of the components of the flavouring, without prejudice to the listing of traditional food preparation processes in Annex II, and does not involve, *inter alia*, the use of singlet oxygen, ozone, inorganic catalysts, metal catalysts, organometallic reagents and/or UV radiation.

3 For the purpose of the definitions listed in paragraph 2(d), (e), (g) and (j), source materials for which hitherto there is significant evidence of use for the production of flavourings shall be considered as food for the purpose of this Regulation.

4 Flavourings may contain food additives as permitted by Regulation (EC) No 1333/2008 and/or other food ingredients incorporated for technological purposes.