

## WORKING DOCUMENT

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### OPINION OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED TO ACHIEVE A HARMONISED IMPLEMENTATION OF THE EU LEGISLATION

**Subject: Use of the term ‘natural’ for flavourings produced with GMM**

Article 16 of Regulation (EC) No 1334/2008 of the European Parliament and of the Council lists specific requirements under which the term ‘natural’ can be used.

The Commission services received a request for clarification regarding the use of the term ‘natural’ in relation with flavourings produced with the use of genetically modified microorganisms (GMM). Pertaining to this request the following was noted:

- According to Article (7)(1)(a) of Regulation (EU) No 1169/2011 food information shall not be misleading as to the characteristics of the food and, inter alia, as to its nature, identity, method of manufacture or production. Similarly, according to recital (7) of Regulation (EC) No 1334/2008 the use of flavourings must not mislead the consumer and their presence in food should, therefore, always be indicated by appropriate labelling. In particular, flavourings should not be used in a way as to mislead the consumer about issues related to, amongst other things, the nature, naturalness of a product or of the production process. According to recital 26 specific information requirements should ensure that consumers are not misled concerning the source material used for the production of natural flavourings.
- Article (3)(2)(c) of Regulations (EC) 1334/2008 under the title “Definitions” states that:

*‘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.*

*‘flavouring preparation’ shall mean a product, other than 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;***

- According to Article 16(2) the term ‘natural’ may only be used if the flavouring component comprises only flavouring preparations and/or natural flavouring substances.
- Although ‘microbiological processes’ and ‘fermentation’ are listed as traditional food preparation processes in Annex II to Regulation (EC) No 1334/2008, those terms are not defined in that Regulation. In general, it is considered that the high precision fermentation by genome techniques that is employed in the case of GMM is not covered by the terms ‘fermentation’ or ‘microbiological processes’ included in Annex II to Regulation (EC) No 1334/2008.
- Although physical, enzymatic or microbiological processes are mentioned in the definition of ‘natural flavouring substance’ and ‘flavouring preparation’, the use of the term natural is not considered to be coherent with the use of genetically modified organisms (GMM).
- Therefore, according to the above, a flavouring produced with the use of GMM does not meet the requirements for use of the term ‘natural’.

On <DATE> the Standing Committee [unanimously] concluded the following:

The term ‘natural’ shall not be used for flavourings produced with GMM. Food flavourings produced with GMM cannot be regarded as ‘natural’ ingredients and the use of the term ‘natural’ for them would mislead the consumer.