

De



Brussels, **XXX**  
PLAN/323/2024  
(POOL/E2/2024/323/323-EN.docx)  
[...](2024) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**amending Implementing Regulation (EU) No 1321/2013 as regards the deletion of entries SF-001 to SF-010 from the Union list of authorised smoke flavouring primary products**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

## amending Implementing Regulation (EU) No 1321/2013 as regards the deletion of entries SF-001 to SF-010 from the Union list of authorised smoke flavouring primary products

(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 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods<sup>1</sup>, and in particular Article 6(1) and Article 18(2) thereof,

Whereas:

- (1) Regulation (EC) No 2065/2003 provides that only smoke flavourings included in the Union list of authorised smoke flavouring primary products ('the Union list') may be placed on the market within the Union.
- (2) Commission Implementing Regulation (EU) No 1321/2013<sup>2</sup> establishes the Union list, laying down the authorised smoke flavouring primary products, their specifications and conditions of use. The authorisations of the smoke flavouring primary products SF-001 to SF-010 were valid from 1 January 2014 for 10 years and renewable for further 10-year periods on application to the Commission by the authorisation holder.
- (3) For the smoke flavouring primary products SF-007 and SF-010 no application for the renewal of the authorisation was submitted and the authorisation expired on 1 January 2024.
- (4) For smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009, applications for the renewal of authorisation were submitted in June 2022. The Commission refused the renewal of the authorisation of smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009 by Commission Implementing Decisions (EU) .../...<sup>3</sup>, .../...<sup>4</sup>, .../...<sup>5</sup>, .../...<sup>6</sup>, .../...<sup>7</sup>, .../...<sup>8</sup>, .../...<sup>9</sup> and .../...<sup>10</sup>.

---

<sup>1</sup> OJ L 309, 26.11.2003, p. 1, ELI: <http://data.europa.eu/eli/reg/2003/2065/oj>.

<sup>2</sup> Commission Implementing Regulation (EU) No 1321/2013 of 10 December 2013 establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings (OJ L 333, 12.12.2013, p. 54, ELI: [http://data.europa.eu/eli/reg\\_impl/2013/1321/oj](http://data.europa.eu/eli/reg_impl/2013/1321/oj)).

<sup>3</sup> [Please insert full reference of the decision] OJ [...]

<sup>4</sup> [Please insert full reference of the decision] OJ [...]

<sup>5</sup> [Please insert full reference of the decision] OJ [...]

<sup>6</sup> [Please insert full reference of the decision] OJ [...]

<sup>7</sup> [Please insert full reference of the decision] OJ [...]

<sup>8</sup> [Please insert full reference of the decision] OJ [...]

<sup>9</sup> [Please insert full reference of the decision] OJ [...]

<sup>10</sup> [Please insert full reference of the decision] OJ [...]

- (5) Since those ten smoke flavouring primary products are no longer authorised, it is appropriate to delete the relevant entries from the Union list.
- (6) Implementing Regulation (EU) No 1321/2013 should therefore be amended accordingly.
- (7) However, in light of the Authority's concerns linked to smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009, but also of the fact that smoke flavouring primary products are used extensively in a wide range of food products and that all the authorised uses of smoke flavouring primary products imparting a 'smoked' flavour or, in some cases, used as an alternative to a traditional smoking process have expired or are not renewed, appropriate measures, adapted to the different types of uses of smoke flavouring primary products, should be introduced in order to allow food business operators to find alternatives.
- (8) Foods of categories 1 (Dairy products and analogues), 8 (Meat), 9.2 (Processed fish and fishery products including crustaceans and molluscs), 9.3 (Fish roe) and their corresponding sub-categories, to which those smoke flavouring primary products are added and that comply with the provisions laid down for those smoke flavouring primary products in the Union list before ... [*date of the entry into force of this Regulation*] should be allowed to be placed on the market until 1 July 2029 and to remain on the market until their date of minimum durability or use-by date as the use of smoke flavouring primary products in or on such foods replaces traditional smoking processes and the adjustment of production processes may require significant investment and, in some cases, lengthy administrative procedures.
- (9) Foods of all other categories to which those smoke flavouring primary products are added and that comply with the provisions laid down for those smoke flavouring primary products in the Union list before ... [*date of the entry into force of this Regulation*] should be allowed to be placed on the market until 1 July 2026 and to remain on the market until their date of minimum durability or use-by date in order to allow enough time for the food business operators using those smoke flavouring primary products to adjust the recipes of their foods.
- (10) For the same reasons, preparations containing those smoke flavouring primary products and not intended to be consumed as such should be allowed to be placed on the market until the dates set out for the foods they are intended for.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In the Annex to Regulation (EU) No 1321/2013, the entries for SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-007, SF-008, SF-009, SF-010 are deleted.

#### *Article 2*

1. Foods containing smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 or SF-009 that comply with the provisions laid down for those smoke flavouring primary products in the Union list before [*the date of entry into force of this Regulation*] may continue to be placed on the market and remain on

the market until their date of minimum durability or use by date if they are placed on the market until the following dates:

(a) 1 July 2029 for food categories 1 (Dairy products and analogue), 8 (meat), 9.2 (processed fish and fishery products including crustaceans and molluscs), 9.3 (Fish roe) and their corresponding sub-categories;

(b) 1 July 2026 for all other food categories.

2. Preparations containing smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 or SF-009 and not intended to be consumed as such may be placed on the market until 1 July 2029 for use in the food categories listed in paragraph 1, point (a), and until 1 July 2026 for all other food categories.

For the purposes of this paragraph, ‘preparations’ means mixtures of smoke flavourings primary products or mixtures of one or more smoke flavourings with other food ingredients, such as food additives, enzymes or carriers, to facilitate their storage, sale, standardisation, dilution or dissolution.

### *Article 3*

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 the Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*