

# EFFA position paper regarding the Country of Origin of Ingredients used for Flavourings

The Flavour Industry is increasingly requested to state the country of origin of the ingredients used in their products.

This Position Paper provides some further guidance and background information in relation to the "Country of Origin" of ingredients used for the production of Flavourings.

It is an update of the EFFA IL 19/05 (following IL 15/04) since the Implementing Regulation (EU) 2018/775 has been adopted and applies.

Due to their very low dosage, flavourings are not to be considered as primary ingredients for which Regulation (EU) No 952/2013 laying down the Union Customs Code foresees specific labelling provisions. It is EFFA's understanding that there is no legal requirement to disclose the geographical origin of the ingredients used in flavourings.

## Background

Through the different documentation which is provided to customers, the Flavour Industry is increasingly requested to state the country of origin of the ingredients used in their products. This has become even more frequent with the introduction of the rapid alert system<sup>1</sup> and the publication of Regulation (EU) No 1169/2011 on the provision of food information to consumers<sup>2</sup> (Food Information to Consumer Regulation or FIC Regulation).

The FIC Regulation provides specific labelling requirements for foodstuffs to be delivered to the ultimate consumer.

Article 7(1)(a) of the Regulation states that *"Food information shall not be misleading, particularly:*

- *as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, **country of origin or place of provenance**, method of manufacture or production;"*

Further, Article 26 lays down the requirements for mandatory labelling regarding the country of origin or place of provenance for some specified foods<sup>3</sup> and also *"where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food ..."*. There is no requirement to label the country of origin of Flavourings. Relevant to the interpretation of these requirements is the definition of 'Country of Origin'.

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<sup>1</sup> RASFF – Rapid Alert System for Food and Feed

<sup>2</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers

<sup>3</sup> Article 26(2)(b) "meat falling within the Combined Nomenclature ('CN') codes listed in Annex XI"

## Country of Origin – Definition

The FIC Regulation (Art. 2(3)) states: *'For the purposes of this Regulation the country of origin of a food shall refer to the origin of a food as determined in accordance with Articles 23 to 26 of Regulation (EEC) No 2913/92'*.

Regulation (EEC) No 2913/92 has been repealed and has been replaced by Regulation (EU) No 952/2013 laying down the Union Customs Code.

Art. 60(2) of the Regulation (EU) No 952/2013 stipulates that:

*"Goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their last, substantial, economically-justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture."<sup>4</sup>*

## Flavourings

Flavourings are usually made from a variety of different ingredients in order to achieve the desired flavour, organoleptic and technical properties. Flavourings can contain up to sixty or seventy ingredients with multiple vendors for each ingredient. The ingredients include, amongst others, flavouring substances and flavouring preparations, (e.g. essential oils, extracts), food additives, carriers and other foodstuffs. Information on the flavouring's composition and detailed information on the ingredients used – such as geographical origin – is considered 'intellectual property' by the flavour-industry.

To assure a consistent quality of the flavourings as supplied and under the controls within the vendor assurance procedures the geographical origin of the ingredients may change due to limited availability, costs, and quality (natural disasters, limited crop production, political upheavals).

## Safety

The geographical origin of ingredients does not guarantee their safety. Only the implementation of rigorous and certified quality systems supplemented with vendor management programs can control and guarantee the safety and suitability of flavourings for their intended end-uses.

Based on the above considerations the Flavour Industry is not disclosing the geographical origin of the ingredients used in flavourings. Traceability systems that are implemented by the Flavour Industry meet the applicable legal requirements and enable to trace back ingredients within the required timeframes in case of rapid-alerts and other emergencies. In line with Regulation (EC) No 952/2013 the country of manufacture of the flavouring can always be provided.

## Is a flavouring a "Primary Ingredient"?

The Commission Implementing Regulation (EU) 2018/775<sup>5</sup> lays down rules for indicating the country of origin or place of provenance of the primary ingredient of a food, therefore interpreting the Article 26 of the FIC Regulation.

'Primary ingredient' is defined in the FIC Regulation (Article 2.2.q) as *"an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required"*.

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<sup>4</sup> Art. 60(2) of the Regulation (EU) No 952/2013 establishing the Union Customs Code

<sup>5</sup> Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food

As flavourings are generally used at low dosages in the final foods and beverages, they are not to be considered as primary ingredient. This is confirmed through the interpretation of national authorities, such as France. The Opinion from the French *Centre National de la Consommation* excluded "ingredients used at low dosage to impart a flavour" from the definition of primary ingredient<sup>6</sup>.

If you have further questions, please do not hesitate to contact EFFA at [info@effa.eu](mailto:info@effa.eu) or your respective national association.

EFFA Secretariat

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<sup>6</sup> Avis "Étiquetage de l'origine des denrées alimentaires et de leurs ingrédients" – Conseil National de la Consommation – 20/09/2021 (BOCCRF du 22/09/2021).