

EFFA Information Letter on 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 Information Letter 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an update of the previous Information Letter from 2015 on the same topic since the Regulation (EEC) No 2913/92 has been repealed and has been replaced by Regulation (EU) No 952/2013 laying down the Union Customs Code.

It is EFFA's understanding that there is no legal requirement to disclose the geographical origin of the ingredients used in flavouring formulations.

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 system¹ and the publication of Regulation (EU) No 1169/2011 on the provision of food information to consumers² (Food Information Regulation).

The Food Information 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 foods³ 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. Critical to the interpretation of these requirements is the definition of 'Country of Origin'.

¹ RASFF – Rapid Alert System for Food and Feed

² 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

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

Country of Origin – Definition

The Food Information 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'*.

Since the publication of the previous EFTA IL 15/01 the 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."⁴

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 preparations, essential oils, extracts, food additives, carriers and other foodstuffs. Information on the flavour'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 alone 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 unable to disclose the geographical origin of the ingredients used in flavouring formulations. Traceability systems that are implemented by the Flavour Industry meet the applicable legal requirements and enable to trace back ingredients within the required time-frames 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.

If you have further questions, please do not hesitate to contact EFTA at info@effa.eu or your respective national association.

EFTA Secretariat

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