



**NOTIFICATION**

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved:</b>
<b>2. Agency responsible:</b> European Commission, Health and Food Safety Directorate-General
<b>3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Food products
<b>4. Regions or countries likely to be affected, to the extent relevant or practicable:</b> <input checked="" type="checkbox"/> <b>All trading partners</b> <input type="checkbox"/> <b>Specific regions or countries:</b>
<b>5. Title of the notified document:</b> Draft Commission Implementing Regulation (EU) 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). <b>Language(s):</b> English. <b>Number of pages:</b> 6 <a href="https://members.wto.org/crnattachments/2024/SPS/EEC/24_02948_00_e.pdf">https://members.wto.org/crnattachments/2024/SPS/EEC/24_02948_00_e.pdf</a> <a href="https://members.wto.org/crnattachments/2024/SPS/EEC/24_02948_01_e.pdf">https://members.wto.org/crnattachments/2024/SPS/EEC/24_02948_01_e.pdf</a>
<b>6. Description of content:</b> The text removes smoke flavouring primary products from the Union list of authorized smoke flavouring primary products. <p>The European Food Safety Authority (EFSA), on 28 September 2023, adopted its scientific opinions on the safety of the smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009. In its scientific opinions, the Authority concluded that a potential safety concern for genotoxicity for all the eight smoke flavouring primary products cannot be ruled out. For the smoke flavouring primary products SF-007 and SF-010 no application for the renewal of the authorization was submitted and the authorization expired on 1 January 2024.</p> <p>The use of smoke flavourings in or on foods should only be authorised if it is sufficiently demonstrated that it does not present risks to human health. Therefore, based on the scientific opinions of the Authority, the renewal of the authorization of smoke flavouring primary products SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009 is refused.</p> <p>Since none of the ten products listed in the Union list of smoke flavouring primary products are authorized anymore, it is appropriate to remove the relevant references from the Annex of Commission Implementing Regulation (EU) No 1321/2013 and to adopt suitable transitional measures for the foods containing them.</p> <p>In order to allow for a smooth transition, the text lays down that 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 the draft 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 (i) 1 July 2029 for food</p>

<p>categories 1.7 (cheese and cheese products), 8 (meat), 9.2 (processed fish and fishery products including crustaceans and molluscs), 9.3 (fish roe) and their corresponding sub-categories and (ii) 1 July 2026 for all other food categories.</p> <p>This notification includes, for information, eight Commission Implementing Decisions, addressed to the respective authorization holders, refusing the renewal of the authorizations for the smoke flavouring primary products for which the renewal of the authorization was requested.</p>
<p><b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.</p>
<p><b>8. Is there a relevant international standard? If so, identify the standard:</b></p> <p><input type="checkbox"/> <b>Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</b></p> <p><input type="checkbox"/> <b>World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</b></p> <p><input type="checkbox"/> <b>International Plant Protection Convention (e.g. ISPM number):</b></p> <p><input checked="" type="checkbox"/> <b>None</b></p> <p><b>Does this proposed regulation conform to the relevant international standard?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>If no, describe, whenever possible, how and why it deviates from the international standard:</b></p>
<p><b>9. Other relevant documents and language(s) in which these are available:</b></p> <ul style="list-style-type: none"> <li>- Commission Implementing Decision refusing the renewal of the authorization of Scansmoke PB 1110 (SF-001) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of Zesti Smoke Code 10 (SF-002) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of Smoke Concentrate 809045 (SF-003) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of Scansmoke SEF 7525 (SF-004) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of SmokEz C-10 (SF-005) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of SmokEz Enviro-23 (SF-006) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of ProFagus-Smoke R709 (SF-008) as a smoke flavouring primary product</li> <li>- Commission Implementing Decision refusing the renewal of the authorization of Fumokomp (SF-009) as a smoke flavouring primary product (available in English)</li> </ul>
<p><b>10. Proposed date of adoption (dd/mm/yy):</b> Foreseen in June 2024.</p> <p><b>Proposed date of publication (dd/mm/yy):</b> Foreseen in June 2024.</p>
<p><b>11. Proposed date of entry into force:</b> <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): 20 days after publication in the Official Journal of the European Union (with transitional provisions until 1 July 2026 and 1 July 2029 respectively).</p> <p><input type="checkbox"/> <b>Trade facilitating measure</b></p>
<p><b>12. Final date for comments:</b> <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Thirty days from the date of circulation of this notification.</p>

**Agency or authority designated to handle comments:  National Notification Authority,  National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**

European Commission  
DG Health and Food Safety, Unit A4-Multilateral International Relations  
Rue Froissart 101  
B-1049 Brussels  
Tel: +(32 2) 29 54263  
E-mail: [sps@ec.europa.eu](mailto:sps@ec.europa.eu)

**13. Text(s) available from:  National Notification Authority,  National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**

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DG Health and Food Safety, Unit A4-Multilateral International Relations  
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