

Regulation (EC) No 1331/2008 of the European Parliament and of the Council  
of 16 December 2008 establishing a common authorisation procedure for  
food additives, food enzymes and food flavourings (Text with EEA relevance)

CHAPTER II

**COMMON PROCEDURE**

*Article 3*

**Main stages of the common procedure**

1 The common procedure for updating the Community list may be started either on the initiative of the Commission or following an application. Applications may be made by a Member State or by an interested party, who may represent several interested parties, in accordance with the conditions provided for by the implementing measures referred to in Article 9(1)(a) (hereinafter referred to as the applicant). Applications shall be sent to the Commission.

2 The Commission shall seek the opinion of the European Food Safety Authority (hereinafter referred to as the Authority), to be given in accordance with Article 5.

However, for the updates referred to in Article 2(2)(b) and (c), the Commission shall not be required to seek the opinion of the Authority if the updates in question are not liable to have an effect on human health.

3 The common procedure shall end with the adoption by the Commission of a regulation implementing the update, in accordance with Article 7.

4 By way of derogation from paragraph 3, the Commission may end the common procedure and decide not to proceed with a planned update, at any stage of the procedure, if it judges that such an update is not justified. Where applicable, it shall take account of the opinion of the Authority, the views of Member States, any relevant provisions of Community law and any other legitimate factors relevant to the matter under consideration.

In such cases, where applicable, the Commission shall inform the applicant and the Member States directly, indicating in its letter the reasons for not considering the update justified.

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EC) No 1331/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)
- Art. 3(1) word substituted by [S.I. 2019/860 reg. 40\(a\)\(i\)](#)
- Art. 3(1) word substituted by [S.I. 2019/860 reg. 40\(a\)\(ii\)](#)
- Art. 3(1) words omitted by [S.I. 2019/860 reg. 40\(a\)\(iii\)](#)
- Art. 3(1) words substituted by [S.I. 2019/860 reg. 40\(a\)\(iv\)](#)
- Art. 3(1) words substituted by [S.I. 2019/860 reg. 40\(a\)\(v\)](#)
- Art. 3(2) word substituted by [S.I. 2019/860 reg. 40\(b\)\(ii\)](#)
- Art. 3(2) words substituted by [S.I. 2019/860 reg. 40\(b\)\(i\)](#)
- Art. 3(3) substituted by [S.I. 2019/860 reg. 40\(c\)](#)
- Art. 3(4) words omitted by [S.I. 2019/860 reg. 40\(d\)\(ii\)](#)
- Art. 3(4) words omitted by [S.I. 2019/860 reg. 40\(e\)\(ii\)](#)
- Art. 3(4) words substituted by [S.I. 2019/860 reg. 40\(d\)\(i\)](#)
- Art. 3(4) words substituted by [S.I. 2019/860 reg. 40\(d\)\(iii\)](#)
- Art. 3(4) words substituted by [S.I. 2019/860 reg. 40\(e\)\(i\)](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2019/860 reg. 54](#)
- Art. 2(3)-(7) added by [S.I. 2019/860 reg. 39\(c\)](#)
- Art. 2(3) words substituted in earlier amending provision [S.I. 2019/860, reg. 39\(c\)](#) by [S.I. 2020/1504 reg. 18\(10\)\(a\)](#)
- Art. 2(5) words omitted in earlier amending provision [S.I. 2019/860, reg. 39\(c\)](#) by [S.I. 2020/1504 reg. 18\(10\)\(b\)](#)
- Art. 2(7) omitted in earlier amending provision [S.I. 2019/860, reg. 39\(c\)](#) by [S.I. 2020/1504 reg. 18\(10\)\(c\)](#)
- Art. 14A inserted by [S.I. 2019/860 reg. 52](#)
- Art. 14A(1)(c) omitted in earlier amending provision [S.I. 2019/860, reg. 52](#) by [S.I. 2020/1504 reg. 18\(11\)\(a\)](#)
- Art. 14A(3) words substituted in earlier amending provision [S.I. 2019/860, reg. 52](#) by [S.I. 2020/1504 reg. 18\(11\)\(b\)\(i\)](#)
- Art. 14A(3)(b) words substituted in earlier amending provision [S.I. 2019/869, reg. 52](#) by [S.I. 2020/1504 reg. 18\(11\)\(b\)\(ii\)](#)
- Art. 14A(3)(d) omitted in earlier amending provision [S.I. 2019/860, reg. 52](#) by [S.I. 2020/1504 reg. 18\(11\)\(b\)\(iii\)](#)
- Art. 14A(3)(d) words substituted by [S.I. 2019/1013 reg. 75](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/1013](#) revoked immediately before IP completion day by [S.I. 2020/1504, regs. 1\(2\), 21\(e\)](#))
- Art. 14A(4)(d) omitted in earlier amending provision [S.I. 2019/860, reg. 52](#) by [S.I. 2020/1504 reg. 18\(11\)\(c\)](#)