

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(93) 1779 final - COD 368

Brussels, 11 November 1993

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 189B(2) of the EC Treaty

COMMON POSITION OF THE COUNCIL CONCERNING THE COUNCIL DIRECTIVE ON
COLOURS FOR USE IN FOODSTUFFS

INTRODUCTION

The Commission forwarded the proposal for a Council Directive on colours for use in foodstuffs on 10 December 1991 (COM(91) 444 final - SYN 368) (1).

Following the opinion of the European Parliament given on 8 March 1993 (2), the Commission amended its proposal which was forwarded to the Council on 20 April 1993 (COM(93) 153 final) (3).

On 11 November 1993 the Council adopted the Common Position.

The following observations formulated by the Commission are sent to the European Parliament pursuant to Article 189B (2) of the Treaty.

PURPOSES OF THE DIRECTIVE

The framework Directive 89/107/EEC states that the Council shall adopt, acting on a proposal of the Commission under the procedure laid down in Article 100a of the Treaty : the lists of food additives, the use of which is authorized with the exclusion of all others and the list of foodstuffs to which these additives may be added, the conditions of use and, where appropriate, a limit on the technological purpose of their use.

The proposal for a Directive on colours for use in foodstuffs is the second in a series of specific directives requested by the framework Directive.

(1) OJ N° C 12, 18.1.1991, p. 7.

(2) OJ N° C 115, 26.4.1993, p. 17.

(3) OJ N° C 134, 13.5.1993, p. 4.

Observations

1. General

The European parliament approved the proposal of the Commission concerning the directive on colours for use in foodstuffs and proposed amendments. The Common Position adopted by the Council takes into account the amendments incorporated in the amended proposal of the Commission.

2. Use of colours for stamping of meat and eggs and decoration of eggs.

The Council agreed to include specific provisions for the colours used in inks for the stamping of meat and eggs, as requested by the European Parliament. The texts adopted have been adapted in order to align them with existing Community legislation.

3. Monitoring system of consumption of colours and literature survey.

The Council agreed to incorporate specific provisions in the legal text, in accordance with Annex II of the Framework directive 89/107/EEC on food additives concerning the continuous monitoring of the consumption and scientific survey on colours.

4. Coloration of meat products.

The Council agreed with the European Parliament and the Commission to exclude meat and fish products from coloration. Nevertheless a compromise solution on certain meat products was found. Certain meat products i.e. sausages, patés and terrines may be coloured with colours of natural origin. Further national specialities which are mentioned in the Common Position in capitals and that have not been translated, may be coloured with the necessary colours including synthetics. The Commission could agree with this compromise since it preserves the existence of national specialities in the context of a total harmonisation.

5. Coloration of certain vegetables.

The Council agreed that generally canned vegetables may not be coloured. Nevertheless provisions have been taken in order to permit the use of certain colours in national specialities, such as canned processed mushy and garden peas.

6. Coloration of cheese.

The Council agreed to specify the types of cheese which may be coloured. In particular certain specialities such as Red Leicester cheese and Mimolette have been specifically mentioned. The Council agreed also with the European Parliament not to permit E171 Titanium dioxide in cheese.

7. Restrictions of the use of colours with a low acceptable daily intake.

The Council agreed to severely restrict the use of E123 Amaranth and to put specific limits of certain colours in foodstuffs consumed by children.

8. Comitology

Taking into account that the proposal was made on the basis of Article 100A of the Treaty, the Commission regrets that the Council adopted a regulatory Committee procedure.

9. Conclusions

The Commission agrees with the Common Position, with the exception for the Comitology procedure, because it follows the principles of the initial proposal and complies with a large majority of the amendments of the European Parliament which were introduced in its amended proposal.