

EUROPEAN PARLIAMENT

Working Documents

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5 December 1979

DOCUMENT 1-551/79

Report

drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

on the proposal from the Commission of the European Communities to the Council (Doc. 143/79) for a directive amending for the second time Directive 74/329/EEC on the approximation of the laws of Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

Rapporteur: Mr E.L. REMILLY

By letter of 26 April 1979 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a Directive amending for the second time Directive 74/329/EEC on the approximation of the laws of Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection.

On 25 September 1979 the Committee on the Environment, Public Health and Consumer Protection appointed Mr E. REMILLY rapporteur.

It considered this proposal at its meetings of 2 October and 22 November 1979 and unanimously adopted the draft report.

Present: Mr Collins, chairman; Mr Alber, vice-chairman; Mr Johnson, vice-chairman; Mrs Weber, vice-chairman; Mr Remilly, rapporteur; Mr Ceravolo (deputizing for Mr Wurtz), Mr Estgen, Mrs Fullet, Mr Ghergo, Mr Hamilius, Miss Hooper, Mrs Maij-Weggen, Mr Mertens, Mr Newton Dunn, Mr O'Connell, Mrs Schleicher, Mrs Scrivener, Mr Segre, Mr Sherlock, Mrs Spaak, Mrs Squarcialupi, Mr Verroken.

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A

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive amending for the second time Directive 74/329/EEC on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

The European Parliament,

- having regard to the communication from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council (Doc. 143/79),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-551/79),
1. Considers that the Commission should submit its proposed amendments at an earlier date, so that the Council can take an appropriate decision, after consulting the European Parliament, before the expiry of the special temporary provisions;
 2. Urges that the proposals submitted in the field of public health be accompanied in future by the opinions of the Consumers' Consultative Committee and the Scientific Committee for Food, if necessary in the languages originally available;
 3. Notes with regret that the Commission has proposed a further period of temporary authorization for certain substances pending the results of the toxicological investigation;

¹ OJ No. C 115, 8.5.1979, p.10

4. Considers that economic factors should not take precedence over public health requirements;
5. Requests the Commission to ensure that the investigations requested by the Scientific Committee for Food on the temporary or provisionally authorized use of certain emulsifiers, stabilizers, thickeners and gelling agents are completed in good time.
6. Hopes that, for the implementation of the basic Directive, the Commission will soon be able to submit its proposal on a uniform sampling method of tracing and identifying emulsifiers, stabilizers, thickeners and gelling agents in foodstuffs;
7. Requests, however, that the Commission add as soon as possible an essential provision to the basic Directive, pursuant to Article 4 thereof, specifying in which foodstuffs emulsifiers, stabilizers, thickeners and gelling agents may be authorized, subject to certain further conditions;
8. Requests the Commission to incorporate the following amendments into its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

Proposal for a Council Directive amending for the second time Directive 74/329/EEC on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Directive 74/329/EEC, as last amended by Directive 78/612/EEC, lays down a single list of emulsifiers, stabilizers, thickeners and gelling agents which may be authorized for use in foodstuffs by the Member States,

Unchanged

Whereas having regard to the most recent scientific and technical knowledge the reference to microcrystalline cellulose (E 460) in Annex I to Directive 78/612/EEC must be reworded; and whereas the use of tragacanth (E 413) should be reevaluated after an enquiry by the Commission,

Unchanged

Whereas Annex II to Directive 74/329/EEC indicates the designations of the substances which may be temporarily authorized by Member States for use in foodstuffs,

Unchanged

Whereas Article 3(1) of Directive 74/329/EEC authorizes this derogation for a period of five years from the date of notification of the Directive;

Unchanged

Whereas having regard to the most recent scientific and technical knowledge the said Annex II must be revised; whereas, therefore, for certain substances the period of temporary authorization must be prolonged to permit the completion of certain toxicological investigations necessary in the light of present-day requirements regarding the safety of their use in foodstuffs

Whereas having regard to the most recent scientific and technical knowledge the said Annex II must be revised; whereas, therefore, for certain substances the period of temporary authorization must be prolonged to permit the completion of certain toxicological investigations necessary in the light of present-day requirements regarding the safety of their use in foodstuffs,

¹ For complete text see OJ No C 115, 8.5.1979, p.10

Whereas for certain substances the scientific and technical knowledge is satisfactory, thus allowing their transfer to Annex I to the above mentioned Directive; and whereas ghatti gum must no longer be used after a temporary period to allow the sale of foodstuffs containing this substance which are already on the market.

HAS ADOPTED THIS DIRECTIVE

Article 1

Directive 74/329/EEC is hereby amended as follows:

1. Paragraphs 2 and 3 of Article 2 are replaced by the following:

'2. However, as regards the substances referred to in Annex I under E 413 and E 440 b, the Council, acting in accordance with the procedure provided for in Article 100 of the Treaty, may decide, by 31 December 1982 and after an enquiry by the Commission, to delete them from the Annex or otherwise change their status.'

2. Article 3(1) is replaced by the following:

'1. By way of derogation from Article 2(1), Member States may authorize until 31 December 1984 the use in foodstuffs of the substances listed in Annex II, and until 30 June 1980 the marketing of foodstuffs containing ghatti gum. However as regards Karaya gum the Council, acting in accordance with the procedure provided for in Article 100 of the Treaty, may decide, before 31 December 1980 and after an enquiry by the Commission, to delete it from the Annex or otherwise change its status.'

Whereas for certain substances the scientific and technical knowledge is satisfactory, thus allowing their transfer to Annex I to the above mentioned Directive;

whereas ghatti gum must no longer be used; whereas, in the light of available toxicological information, Karaya gum cannot be considered acceptable for use in foodstuffs.

HAS ADOPTED THIS DIRECTIVE

Article 1

Directive 74/329/EEC is hereby amended as follows:

1. Paragraphs 2 and 3 of Article 2 are replaced by the following:

'2. However, as regards the substances referred to in Annex I under E 413 and E 440 b, the Council, acting in accordance with the procedure provided for in Article 100 of the Treaty, may decide, by 31 December 1982 and after an enquiry by the Commission, to delete them from the Annex or otherwise change their status.'

2. Article 3(1) is replaced by the following:

'1. By way of derogation from Article 2(1), Member States may authorize until 31 December 1984 the use in foodstuffs of the substances listed in Annex II, pending the results of the toxicological investigation. However, as regards Karaya gum, the Council, acting in accordance with the procedure provided for in Article 100 of the Treaty, may decide, after an enquiry by the Commission, to delete it from the Annex or otherwise change its status.

Paragraph 3 unchanged

4. Annex II is replaced by the
Annex to this Directive

Unchanged

Article 2

Article 2

Member States shall, within one year of the notification of this Directive, amend their laws in accordance with the preceding provisions, and shall forthwith inform the Commission thereof. The laws thus amended shall be implemented two years after notification of this Directive.

Member States shall, from the date of notification of this Directive, amend their laws in accordance with the preceding provisions and inform the Commission thereof, exception being made for ghatti gum and Karaya gum, which have already been suspended and may not be used. The laws thus amended shall be implemented two years after notification of this Directive.

Article 3 unchanged

ANNEX

ANNEX

ANNEX II

ANNEX II

Designation

Designation

Karaya gum (synonym: sterculia gum)
Polyoxyethylene (20) sorbitan mono-~~stearate~~ (synonym: polysorbate 20)
Polyoxyethylene (20) sorbitan mono-
palmitate (synonym: polysorbate 40)
Polyoxyethylene (20) sorbitan mono-
stearate (synonym: polysorbate 60)
Polyoxyethylene (20) sorbitan tri-
stearate (synonym: polysorbate 65)
Polyoxyethylene (20) sorbitan mono-
oleate (synonym: polysorbate 80)
Polyoxyethylene (8) stearate
Polyoxyethylene (40) stearate
Oxidatively thermally polymerised
soya bean oil interacted with mono-
and di-glycerides of fatty acids
Lactylated fatty acid esters of
glycerol and propylene glycol
Dioctyl sodium sulphosuccinate

(Five words deleted)
Polyoxyethylene (20) sorbitan mono-
laurate (synonym: polysorbate 20)
Polyoxyethylene (20) sorbitan mono-
palmitate (synonym: polysorbate 40)
Polyoxyethylene (20) sorbitan mono-
stearate (synonym: polysorbate 60)
Polyoxyethylene (20) sorbitan tri-
stearate (synonym: polysorbate 65)
Polyoxyethylene (20) sorbitan mono-
oleate (synonym: polysorbate 80)
Polyoxyethylene (8) stearate
Polyoxyethylene (40) stearate
Oxidatively thermally polymerised
soya bean oil interacted with mono-
and di-glycerides of fatty acids
Lactylated fatty acid esters of
glycerol and propylene glycol
Dioctyl sodium sulphosuccinate

EXPLANATORY STATEMENTI. INTRODUCTION

1. It must first be pointed out that if Council decisions are to be considered within a certain period in order to ensure a certain degree of continuity in Community legislation, the Commission should also respect the time limits, either in adapting the basic Directive to the latest technical developments or in extending or implicitly suspending the temporary period of derogation. If lags occur this is detrimental both to the consumer and to those involved in the production and distribution of foodstuffs.

2. This proposal was submitted to the Council on 10 April 1979. By letter of 26 April 1979 the Council requested the European Parliament to deliver its opinion for the part-session of May 1979. Unfortunately this was not possible owing to the circumstances surrounding the direct elections.

3. This proposed amendment contains the following changes:

- A division of the additive microcrystalline cellulose (E 460) into two sub divisions (the text of the explanatory note does not sufficiently justify this);
- A further limited period of authorization for certain substances until 31/12/1984;
- Quillaia extract (E 441) to be authorized in soft drinks only where this is permitted by national legislation;
- A review of the situation concerning the addition of Karaya gum (Annex II) by 31/12/1980;
- The deletion of ghatti gum from Annex II and authorization until 30 June 1980 of foodstuffs containing this substance;
- Continued authorization for the use of Tragacanth (E 413) and a review of the situation on the basis of an extensive toxicological investigation.

II. SPECIFIC REMARKS

4. The committee strongly urges that on submission of amendments of a more or less technical nature, which may however, have far-reaching consequences, scientific and other opinions on the matter be made available, if necessary in the original languages.

5. It is absolutely impossible to deliver a political opinion without the benefit of expert judgement conducive to greater qualitative environmental and dietetic improvements, and thus contributing to public health and consumer protection.

6. The committee is not in favour of the temporary authorization of additives in any form pending the results of toxicological investigations. Since, however, existing Community legislation already contains many provisional stipulations originally applied in one or other Member State, this probably cannot be avoided.

7. However, it must be emphasized once more that the requirements of public health and consumer protection should be given precedence over economic considerations. If Karaya gum is no longer considered to be an acceptable additive to foodstuffs, existing stocks of such foodstuffs must not be authorized for sale.

8. Finally in considering this proposed amendment, the committee considers that attention should be drawn to the provisions of Articles 4 and 7 of the 1974 basic Directive. Here it is stipulated that indications shall be provided as soon as possible concerning the foodstuffs to which the substances listed in Annex I may be added together with the quantities permissible, and that a uniform method of sampling and analysis for tracing and identifying emulsifiers, stabilizers and thickeners in and on foodstuffs shall be determined.

