# Procedure file

## Basic information

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| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive | 1996/0166(COD) | Procedure completed |
| Food additives other than colours and sweeteners<br>Amending Directive 95/2/EC 1992/0424(COD)<br><br>Subject<br>3.10.10 Foodstuffs, foodstuffs legislation<br>4.60.04.04 Food safety | | |

## Key players

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| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health and Consumer Protection | V BREYER Hiltrud | 25/09/1996 |
| | Former committee responsible | | |
| | ENVI Environment, Public Health and Consumer Protection | V BREYER Hiltrud | 25/09/1996 |
| | Former committee for opinion | | |
| | ECON Economic and Monetary Affairs, Industrial Policy | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Agriculture and Fisheries | 2118 | 28/09/1998 |
| | Environment | 2076 | 23/03/1998 |
| | Competitiveness (Internal Market, Industry, Research and Space) | 2051 | 27/11/1997 |

## Key events

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|---|---|---|---|
| 04/09/1996 | Legislative proposal published | COM(1996)0303 | Summary |
| 16/09/1996 | Committee referral announced in Parliament, 1st reading | | |
| 24/09/1997 | Vote in committee, 1st reading | | Summary |
| 24/09/1997 | Committee report tabled for plenary, 1st reading | A4-0281/1997 | |
| 22/10/1997 | Debate in Parliament | | Summary |
| 23/10/1997 | Decision by Parliament, 1st reading | T4-0508/1997 | Summary |

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| 14/01/1998 | Modified legislative proposal published | COM(1997)0656 | Summary |
| 23/03/1998 | Council position published | 12896/1/1997 | Summary |
| 29/04/1998 | Committee referral announced in Parliament, 2nd reading | | |
| 23/06/1998 | Vote in committee, 2nd reading | | Summary |
| 23/06/1998 | Committee recommendation tabled for plenary, 2nd reading | A4-0242/1998 | |
| 14/07/1998 | Debate in Parliament | | Summary |
| 15/07/1998 | Decision by Parliament, 2nd reading | T4-0425/1998 | Summary |
| 28/09/1998 | Act approved by Council, 2nd reading | | |
| 15/10/1998 | Final act signed | | |
| 15/10/1998 | End of procedure in Parliament | | |
| 04/11/1998 | Final act published in Official Journal | | |

## Technical information

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| Procedure reference | 1996/0166(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| | Amending Directive 95/2/EC 1992/0424(COD) |
| Legal basis | EC before Amsterdam E 100A |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/4/09934 |

## Documentation gateway

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|---|---|---|---|---|---|
| Legislative proposal | | COM(1996)0303<br>OJ C 076 11.03.1997, p. 0034 | 04/09/1996 | EC | Summary |
| Economic and Social Committee: opinion, report | | CES1504/1996<br>OJ C 075 10.03.1997, p. 0001 | 18/12/1996 | ESC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A4-0281/1997<br>OJ C 325 27.10.1997, p. 0004 | 24/09/1997 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0508/1997<br>OJ C 339 10.11.1997, p. 0091-0145 | 23/10/1997 | EP | Summary |
| Modified legislative proposal | | COM(1997)0656<br>OJ C 077 12.03.1998, p. 0007 | 14/01/1998 | EC | Summary |
| Council position | | 12896/1/1997<br>OJ C 161 27.05.1998, p. 0029 | 23/03/1998 | CSL | Summary |
| Commission communication on Council's position | | SEC(1998)0585 | 31/03/1998 | EC | Summary |
| Committee recommendation tabled for plenary, 2nd reading | | A4-0242/1998<br>OJ C 226 20.07.1998, p. 0004 | 23/06/1998 | EP | |

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| Text adopted by Parliament, 2nd reading | | T4-0425/1998<br>OJ C 292 21.09.1998, p. 0053-0065 | 15/07/1998 | EP | Summary |

## Additional information

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| European Commission | EUR-Lex |

## Final act

Directive 1998/72
OJ L 295 04.11.1998, p. 0018 Summary

## Food additives other than colours and sweeteners

OBJECTIVE : amending Directive 95/2/EC on food additives other than colourants and sweeteners, with a view to adapting it to recent scientific and technical developments. SUBSTANCE: the proposed amendment to Directive 95/2/EC merely allows already authorized food additives to be used in certain new categories of food which are not included in the Directive. These products have been on the market for several years and the entry into force of the Directive would prohibit their marketing. Furthermore, the proposal for amendment takes into account certain foodstuffs manufactured in the new Member States which are not covered by the Directive and in which certain additives are used. Some new food additives, which are currently prohibit and which were recently evaluated by the Scientific Committee for Food and found acceptable for human consumption, are included in the proposal. No further changes can be made to the conditions of use laid down in the Directive until the results of the consumer surveys required by the basic Directive are available. ?

## Food additives other than colours and sweeteners

The Economic and Social Committee approves the Proposal for a Directive amending the General Additives Directive (95/2/EC), which mainly involves applications of existing additives other than colours and sweeteners, as necessary and urgent subject to some comments. The current amendment procedure involving Council and Parliament is complicated and results in an extremely long time scale to adapt additives to new developments. In addition, there is a real need for having a procedure which involves the citizen adequately. The Committee therefore suggests the following compromise: - changes involving new additives should continue by a Council and Parliament procedure; - changes involving only changes in application should be made by a Committee procedure involving the Standing Committee for Foodstuffs, prior consultation of the various socio-economic partners represented on the Advisory Committee for Food. In general if there are no health limitations it is best to have the widest choice of alternatives on the list of additives, thus reducing the consumption of any particular one. The Committee has also a number of detailed comments on the Annexes, which concern sections 3 and 9 and also those referring to Sorbates, Sulphites, Phosphates and talc.?

## Food additives other than colours and sweeteners

Cream lovers throughout Europe will be rejoicing this weekend at the news that Parliament's Committee has fought off further attempts to adulterate their favourite indulgence. Already up to 38 additives are authorized for use in pasteurized cream - a foodstuff commonly regarded by consumers as relatively unprocessed. When the European Commission proposed extending still further the list of permitted additives in such cream, the committee took the view that enough was enough and threw out the proposal. Mrs Hiltrud BREYER (Greens, D), opposing the Commission, said it was incomprehensible why further additives were needed. Countries such as Austria, where a great deal of whipped cream was consumed, did not want the extra additives. The committee adopted a draft report by Mrs Breyer on a Commission proposal for a directive amending Directive 95/2/EC on food additives other than colours or sweeteners. Directive 95/2/EC regulates most of the additives authorized for use in food in Europe. Only those additives listed in the annexes to the directive may be used. While welcoming the existence of a standardized Europe-wide system for authorizing additives, which was of benefit to consumers, Mrs Breyer regretted that the Commission had not taken the opportunity to respond to consumer demands for a reduction in the multiplicity of additives, the technological need for which, she told members, was often unproven. A new approach, not based on the say-so of food manufacturers, was needed. In response, the committee accepted several of the rapporteur's specific recommendations. Thus, apart from opposing new additives for pasteurized cream and pasteurized or sterilized milk, it also rejected the authorization of new additives to prolong the shelf-life of certain fruit and vegetables, to enhance the flavour of margarine, to soften chewing gum and to give rice a shinier appearance. The committee also rejected the authorization of an additive which could have increased the sugar input in sweet drinks attractive to children. Also thrown out were proposals for the use of sulphur compounds in dried apples and pears and hydrochloric acid in mozzarella cheese. Stressing the need for foodstuffs containing additives to be adequately labelled, the committee insisted on comprehensive labelling comparable to that laid down in the novel foods directive. In addition, labelling should provide the information needed by allergy sufferers. Members also paid special attention to additives in food for infants. Finally, the committee decided to make a second stab at getting processed eucheuma seaweed (E 407a), a gelling agent exported by the Philippines, reclassified as E 408 so as to prevent it being confused with the highly refined seaweed extract carrageenan (E 407). The committee argues that eucheuma is less purified than carrageenan and could pose health risks. However, the last time the committee tried this (October 1996), its proposal was thrown out by the House. ?

## Food additives other than colours and sweeteners

The rapporteur regretted that the Commission had not seized the opportunity to respond to the demands of consumers who were calling for a reduction in these products (additives) whose usefulness was often not established. Commissioner de Silguy asserted that the proposal was based on the principle that additives should be authorised only if they posed no risk to health and were technically justified. He then said that the Commission could not accept Amendments Nos 1, 5, 7, 8, 9, 10, 16, 18, 19, 26 and 43 as they did not take sufficient account of the technological needs which existed in certain Member States. The Commission was also unable to accept Amendments Nos 30, 31 and 38 as it was in the interest of consumers that these products could not be authorised for final consumption. The Commission also did not favour the adoption of Amendments Nos 2, 3, 4 and 42 because they introduced labelling requirements which added to the framework directive on the labelling of foodstuffs. However, it did accept Amendment No 12 incorporated in Amendment No 10 and Amendments Nos 13, 14, 32 and 36 concerning the use of additives in cases where technological needs had been demonstrated. Amendments Nos 20, 21, 23, 25 and 35 also responded to the technological need to produce food for young babies and children in good health. However, the Commission was not able to verify the necessity for additives in the uses mentioned in Amendments Nos 15, 17, 39, 40 and 41. In line with the opinion of the Scientific Committee on Food, Mr de Silguy said that Amendment No 33 was preferred over Amendment No 22 and, for the same reason, Amendment No 34 was better than Amendment No 24. To conclude, the Commission did not intend to take over many of Parliament?s amendments.

## Food additives other than colours and sweeteners

In adopting the report by Mrs Hiltrud BREYER (Green Group, D) Parliament fundamentally amended the proposal for a directive, rejecting a whole list of proposed food additives. Parliament was opposed to the use of new additives in pasteurised cream and sterilized milk or to the authorization to new additives seeking to prolong the period of conservation of certain fruit and vegetables, enhance the taste of margarine, sweeten chewing gum or give rice a shinier appearance. It also opposed the use of an additive which might increase the sugar content of soft drinks for children. Finally, it rejected proposals concerning the use of sulphur-based products in dried apples and pears and hydrochloric acid in mozzarella. However, Parliament did not adopt the recommendation by the Committee on the Environment, Public Health and Consumer Protection that processed eucheuma seaweed (E 407a), a jellifying additive exported by the Philippines be reclassified as E 408, so as to avoid confusion with carrageenan, which is regarded as purer. ?

## Food additives other than colours and sweeteners

The Commission decided to amend its proposal and accepted amendments concerning: - permission of sulphites in distilled alcoholic beverages with whole pears; - permission to use E 468 crosslinked sodium carboxymethylcellulose in solid dietary supplements; - extension of use of E 442 ammonium phosphatides to sugar confectionary; - extension of use of E 414 acacia gum in formulae and weaning foods for infants and young children in good health; - addition of E 472 citric acid esters of mono and diglycerides of fatty acids and E 473 sucrose esters of fatty acids; - permission of use of E 304 L-ascorbyl palmitate, E 331 sodium citrate, E 332 potassium citrate, E 339 sodium phosphate, E 340 potassium phosphate, E 472 c citric acid esters of mono- and diglycerides of fatty acids, E 473 sucrose esters of fatty acids in infant formulae and follow-on formulae for infants in good health; - extension of use of E 333 calcium citrate and E 341 tricalcium phosphate in weaning foods for infants and young children in good health; - permission of use of E 401 sodium alginate, E 405 propane 1.2 diolalginate, E 410 locust bean gum, E 412 guar gum, E 415 Xanthan gum, E 440 pectin, E 466 sodium carboxymethyl cellulose and E 471 mono- and diglycerides of fatty acids in foods for special medical purposes. The Commission did not accept amendments concerning: - requirements on labelling provisions; - prohibition of E 1103 invertase; - change of the maximum levels of sulphites allowed in sugars as defined in Directive 73/437/EEC, except glucose syrup, whether or not dehydrated; - not permitting the use of sulphites in marinated nuts and in maximum levels of 1500 mg/kg in dehydrated apples and pears with a moisture content of more than 12% not sold to the end consumer; - not permitting the use of additives in Annex VI (parts 1, 2 and 3) in foods for infants and young children for special medical purposes. ?

## Food additives other than colours and sweeteners

The common position of the Council takes account of the amendments in the Commission?s amended proposal concerning provisions relating to distilled alcoholic beverages with whole pears, E 468 (sodium carboxymethylcellulose) in solid dietary supplements, E 442 (ammonium phosphatides) in sugar confectionery and food additives in infant formulae and follow-on formulae, weaning foods and preparations for young children for special medical purposes. However, the Council departed from the amended proposal by accepting, wholly or in part, the 6 amendments rejected by the Commission. It also introduced amendments to the proposal concerning both the form and content of the text. 1) Flour treatment agents: the Council included flour treatment agents in the field of application of Directive 95/2/EC, but excluded enzymes used for the same purpose. It also included E 930 (L-cysteine) used solely as a flour treatment agent; 2) Limitation on the use of food additives in certain foodstuffs: the Council amended the list of food additives which can be used in a new category of non-emulsified oils and fats of animal or vegetable origin prepared specially for cooking, frying or sauces. It also amended the list of additives allowed in sterilised cream; 3) Ban on the use of food additives in certain foodstuffs: the Council included the amendments by the European Parliament abolishing E 507 (hydrochloric acid) in mozzarella and E 905 (mycrocrystalline wax) as a glazing agent for rice. It deleted the entry ?water-based flavoured drinks? under the use of E 473 (sucrose esters of fatty acids) and E 474 (sucroglycerides). Finally, it deleted E 233 (thiabendazole) for treating the surface of fruit and vegetables; 4) Extension to the use of food additives already authorised: the Council authorised the use of certain food additives already authorised in new categories of foods: E 440 (pectin) in pineapple and passion fruit juices and nectars; E 200-203 (sorbates) in olives and olive-based preparations; E 220-228 (sulphites) in vacuum-packed sweetcorn; E 445 (glycerol esters of wood rosin) for treating the surface of fruit and vegetables; waxes (E 901-904) for treating the surface of peaches and pineapples; E 551-559 (silicates) in anti-caking agents and E 234 (nisin) in mascarpone. In addition, additives E 338-452 (phosphates) may be used in the following foods: jams, fruit sauces, tinned shellfish, water-based emulsions as humectants in confectionery and coffee-based drinks for automatic vending machines. It should be noted that the Council agrees with the European Parliament: - not to amend the level of E 220-228 (sulphites) in dehydrated apples and pears; - to reduce the level of E 220-228 (sulphites) in sugars to 10 mg/kg; - to authorise the use of E 957 (thaumatine) as a flavour enhancer in water-based, non-alcoholic flavoured drinks and milk-based and milk-free desserts.?

## Food additives other than colours and sweeteners

The Commission accepts the common position, as it adheres to the principles of the initial proposal and accords with the amendments adopted by the European Parliament. ?

## Food additives other than colours and sweeteners

Peaches and pineapples should not be glazed with beeswax to make them shinier, the Committee decided. Nor should a new additive be used to soften chewing gum. The committee was adopting a report by Mrs Hiltrud BREYER (Greens, D) on the Council·s common position on a proposal amending an earlier directive (95/2/EC) listing permitted food additives. The committee attempted to strike a balance between protecting consumer interests while satisfying the needs of the food processing industry - for which the new legislation will have major implications - at a time when consumers demand fresh natural food but increasingly shop in supermarkets for food that has travelled long distances. Thus, against the rapporteur·s wishes, the committee fell in with the Council·s desire to lift additive restrictions on sterlized cream and to allow an additional acid to be used in sauces with an olive base. Nor did it object to the authorization of a new preservative in mascarpone cheese or to the addition of an agent intended to give a better head to draught cider. However, going along with Mrs Breyer, it drew the line at adding sulphur dioxide to marinated nuts and vacuum-packed sweetcorn or at using a kind of oxidized starch in weaning foods. It also opposed a Council attempt to loosen the additive restrictions on agents used to improve the baking quality of flour and dough. Of the 26 amendments adopted by Parliament at its first reading last October, the Council accepted 11 wholly and 4 in part. It also made some additional changes to the proposal in response to industry wishes. Many of the votes were close but the report as a whole, following amendment, was adopted by 16 votes to 10 with no abstentions.?

## Food additives other than colours and sweeteners

Commissioner Bangemann said that the Commission did not share the rapporteur?s opinion and that, as a result, it could not accept the eleven amendments tabled. On the contrary, he called for the initial proposal to be adopted which, in his opinion, gave all the guarantees needed by both manufacturers and consumers.

## Food additives other than colours and sweeteners

Parliament rejected all the amendments by Mrs Hiltrud BREYER (Greens, D) on food additives other than colours and sweetners and thus adopted the Council's common position as it stood. ?

## Food additives other than colours and sweeteners

PURPOSE : to amend Directive 95/2/EC on food additives other than colours and sweeteners. COMMUNITY MEASURE : Directive 98/72/EC of the European Parliament and of the Council. CONTENT : The amendments to the Directive authorise: - the use of certain already authorised additives in certain new categories of foodstuffs that do not yet fall within the scope of the Directive; - certain foodstuffs manufactured with certain additives in the 'new' Member States, which are not covered by the existing Directive; - certain new food additives currently prohibited which, following evaluation by the Scientific Committee for Food, were considered fit for human consumption. The main changes are as follow : - the inclusion of flour treatment agents within the scope of the Directive and the exclusion of enzymes; - the repeal of the entry on thiabendazole; - the repeal of E 507 (hydrochloric acid) in mozzarella and E 905 (microcrystalline wax) as a glazing agent for rice; - the authorisation of treatment of Mascarpone with nisin and peaches and pineapples with waxes. ENTRY INTO FORCE : 04/11/1998. The Member States have undertaken to : -authorise trade in products conforming with this Directive by 4 May 2000 at the latest; - prohibit trade in products not conforming with this Directive from 4 November 2000.?