

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2002/0274(COD) Procedure completed
Foodstuff: additives facilitating the storage and the use of flavourings Amending Directive 95/2/EC	1992/0424(COD)
Subject 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy		09/12/2002
		PPE-DE AYUSO Pilar	
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs2549		01/12/2003
European Commission	Commission DG Health and Food Safety	Commissioner	

Key events			
29/11/2002	Legislative proposal published	COM(2002)0662	Summary
04/12/2002	Committee referral announced in Parliament, 1st reading		
11/06/2003	Vote in committee, 1st reading		Summary
11/06/2003	Committee report tabled for plenary, 1st reading	A5-0216/2003	
01/07/2003	Debate in Parliament		
03/07/2003	Decision by Parliament, 1st reading	T5-0330/2003	Summary
09/10/2003	Modified legislative proposal published	COM(2003)0583	Summary
01/12/2003	Act adopted by Council after Parliament's 1st reading		
22/12/2003	Final act signed		

22/12/2003	End of procedure in Parliament		
29/01/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0274(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 Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed

Documentation gateway					
Legislative proposal		COM(2002)0662	29/11/2002	EC	Summary
Economic and Social Committee: opinion, report		CES0581/2003 OJ C 208 03.09.2003, p. 0030-0031	14/05/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading		A5-0216/2003	11/06/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0330/2003 OJ C 074 24.03.2004, p. 0668-0817 E	03/07/2003	EP	Summary
Modified legislative proposal		COM(2003)0583	09/10/2003	EC	Summary

Additional information	
European Commission	EUR-Lex

Final act
Directive 2003/114 OJ L 024 29.01.2004, p. 0058-0064 Summary

Foodstuff: additives facilitating the storage and the use of flavourings

PURPOSE : to ensure functioning of the internal market, a high level of protection of human health and the protection of consumers' interests.

CONTENT : Directive 95/2/EC on food additives other than colours and sweeteners sets out a list of authorised food additives, the foodstuffs in which they may be used and their conditions of use. The Directive was adopted in February 1995 and has been amended three times: in 1996, 1998 and 2001. It now needs to be adapted in the light of recent technical and scientific developments. The Directive is proposed to be amended as follows: 1) Authorisation of a new food additive - hydrogenated poly-1-decene for use as a glazing agent in confectionery and dried fruit; 2) Withdrawal of the authorisation for the use of some food additives : - E 170(ii) calcium hydrogen carbonate; - E 230 biphenyl, E 231 orthophenyl phenol and E 232 sodium orthophenyl phenol were temporarily authorised under Directive 95/2/EC for treatment of citrus fruits; - Phosphates (E 338 to E 452) in cider and perry; 3) Authorisation for extending the use of authorised food additives : - E 472c citric acid esters of mono- and diglycerides of fatty acids are proposed as an emulsifier in cocoa and chocolate products; - E 296 malic acid in peeled potatoes to prevent browning; - E 440 pectin and E 509 calcium chloride in fruit compotes other than apple; - E 460ii powdered cellulose is proposed for use in grated mozzarella as an anti-caking agent; - E 331 sodium citrates in UHT goat milk; - add thickening agents E 410 locust bean gum, E 412 guar gum and E 415 xanthan gum to the liquid surrounding chestnuts; - allow the carry over of E 1450 starch sodium octenyl succinate in infant and follow-on formula and weaning foods from vitamin preparations or polyunsaturated fatty acid preparations; - E 1450 for foodstuffs in general; - E 407a processed eucheama seaweed may be standardised with sugar; - include a mention of the authorised use of lysozyme (E 1150) in wine; - E 200 Sorbic acid is proposed for use as a preservative in dairy and fat based spreads with added foodstuffs; - E 555 potassium aluminium silicate is proposed as a carrier for food colours E 171 titanium dioxide and E 172 iron oxides and hydroxides; 4) Revision of current authorisations : - to revise the current authorisations by setting numerical maximum use level for carnauba wax in foods

where its use is already authorised; - to propose that partially baked and prepacked bakery wares intended for retail sale, preserved with E 200 sorbic acid, could be sold also to the mass catering and restaurant trades; - to propose that bread with a reduced energy content could be preserved with sorbic acid; - to propose to amend the designation "semi-preserved and preserved meat products" to "cured meat products and canned meat products" concerning the use of E 315 erythorbic acid and E 316 sodium erythorbate; - to replace the designation "fine bakery wares (scones and sponge ware only)" by "fine bakery wares" concerning the use of E 541 sodium aluminium phosphate; - to propose that E 472c could be used as an emulsifier also in other types of foods for infants for special medical purposes (which contain whole protein or do not contain any protein). The proposal aims in addition to clarify the scope of the functional class "stabilisers" and to clarify the rules for additives in flavourings in the scope of Directive 95/2/EC.?

Foodstuff: additives facilitating the storage and the use of flavourings

The committee adopted the report by María del Pilar AYUSO GONZÁLEZ (EPP-ED, E) broadly approving the Commission proposal under the 1st reading of the codecision procedure, subject to a number of amendments. It called on the Commission to draft a proposal within two years of the directive's entry into force to limit the total number of additives authorised. MEPs also voted for legislation on additives to apply to flavourings, to ensure that additives cannot gain "back-door" entry to food by being incorporated in a flavouring. In addition, the committee called for the Commission and the European Food Safety Authority to review the conditions for the use of a number of products: - hydrogenated poly-1-decene (used as a glazing agent in products like candy), with particular attention to be paid to the effects on children's health; - polysorbates E 432-436 (used as preservatives in cakes, cheeses and wines); - Parabens E 214-219 and TAS; and - nitrite and nitrate E 249-252. ?

Foodstuff: additives facilitating the storage and the use of flavourings

The European Parliament adopted a resolution drafted by Maria del Pilar AYUSO GONZALEZ (EPP-ED, Spain) and made some amendments to the Commission's proposal which were based on an informal agreement with the Council and the Commission. Parliament stated that the legislation on additives should apply to flavourings, to ensure that additives cannot gain "back-door" entry to food by being incorporated in a flavouring. Additionally, Parliament modified the technical annex which sets limits for various substances. Most of the modifications further reduce limits foreseen by the Commission. It is expected that the Council will accept the amendments. Committee amendments on the re-examination of some additives such as frequently used nitrites and nitrates were rejected.?

Foodstuff: additives facilitating the storage and the use of flavourings

The Commission accepted all the amendments adopted by the European Parliament.?

Foodstuff: additives facilitating the storage and the use of flavourings

PURPOSE : to harmonise the use of food additives in flavourings other than colours and sweeteners. **LEGISLATIVE ACT** : Directive 2003/114/EC of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners. **CONTENT** : this Directive aims to amend Directive 95/2/EC on food additives other than colours and sweeteners in order to harmonise the use of food additives in flavourings at EU level in order to reduce unfair competition in this area and better serve the consumer. At the same time, the use of one new food additive as well as new uses of already authorised food additives will be allowed, while a number of other additives will be withdrawn since they are no longer widely used. The use of food additives is harmonised, which means that it is legislated at EU-level rather than national level and only substances that are explicitly authorised may be used. Prior to their authorisation, food additives undergo an extensive safety evaluation by the European Food Safety Authority. In addition to safety, additives are examined in terms of whether or not they are needed and whether or not their use might mislead the consumer. The current legislation is now adapted in the light of recent technical and scientific developments, by allowing the use of one new food additive (hydrogenated poly-1-decene) and new uses of some already authorised food additives as well as by withdrawing a few previously authorised additives. Food additives are also used in flavourings, for example to preserve flavour. The lack of harmonisation at EU level has meant that the use of additives in flavourings varies between the Member States, hindering the free movement of flavourings and foodstuffs containing these flavourings, creating conditions of unfair competition as well as potential differences in consumer protection. More specifically, the present Directive harmonises EU legislation on additives necessary for the storage and use of flavourings. This will ensure the functioning of the internal market, a high level of protection of human health and the protection of consumer interests. Directive 95/2/EC shall be amended: - to include the definition of 'stabilisers' which are substances which make it possible to maintain the physico-chemical state of a foodstuff; stabilisers include substances which enable the maintenance of a homogenous dispersion of two or more immiscible substances in a foodstuff, substances which stabilise, retain or intensify an existing colour of a foodstuff and substances which increase the binding capacity of the food, including the formation of cross-links between proteins enabling the binding of food pieces into re-constituted food; - to clarify that the presence of a food additive is permissible: in a compound foodstuff other than one mentioned in Article 2(3), to the extent to which the food additive is permitted in one of the ingredients of the compound foodstuff; in a foodstuff where a flavouring has been added, to the extent to which the food additive is permitted in the flavouring in compliance with this Directive and has been carried over to the foodstuff via the flavouring, provided the food additive has no technological function in the final foodstuff; or - if the foodstuff is destined to be used solely in the preparation of a compound foodstuff and to an extent such that the compound foodstuff conforms to the provisions of this Directive; - to state that the level of additives in flavourings shall be limited to the minimum necessary to guarantee the safety and quality of flavourings and to facilitate their storage. Furthermore, the presence of additives in flavourings must not mislead consumers or present a hazard to their health. If the presence of an additive in a foodstuff, as a consequence of adding flavourings, has a technological function in the foodstuff, it shall be considered as an additive of the foodstuff and not as an additive of the flavouring. The Directive states that before 1 July 2004, the Commission and the European Food Safety Authority shall review the conditions for the use of additives E 214 to E 219. Before 27 January 2006, the Commission shall submit to the European Parliament and the Council a report on the progress of the re-evaluation of additives. This re-evaluation shall in particular focus on E 432 to E 436 (polysorbates) as well as E 251 and E 252 (nitrates) and E 249 and E 250 (nitrites). Member States shall bring into force the laws, regulations and

administrative provisions necessary to comply with this Directive in order to: - authorise trade in and use of products conforming with this Directive by 27 July 2005 at the latest, - prohibit trade in and use of products not conforming with this Directive by 27 January 2006 at the latest; however, products placed on the market or labelled before that date which do not comply with this Directive may be marketed until stocks are exhausted. ENTRY INTO FORCE : 29 January 2004.?