

3.12.2. The Committee recognizes that the Commission is already in discussion with many of the 33 signatories of the Convention on ways and means to

reduce emissions overall in Europe and it stresses the great importance of this work.

Done at Brussels, 23 May 1984.

*The Chairman*  
*of the Economic and Social Committee*  
François CEYRAC

**Opinion on the proposal for a Council Directive on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients**

(84/C 206/02)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 312 of 17 November 1983, page 3.

A. LEGAL BASIS FOR THE OPINION

On 21 November 1983 the Council decided to consult the Economic and Social Committee under Article 100 of the Treaty establishing the European Economic Community on the abovementioned matter.

**Procedure:**

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 26 and 27 April 1984, in the light of the report by Mrs Williams.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

At its 217th plenary session, meeting of 23 May 1984, the Economic and Social Committee *unanimously* adopted the following opinion:

1. The Committee considers the protection of the health, safety and well-being of consumers as the first priority, and accordingly regards the proposed Directive as a step in the right direction and as being in conformity with the general principles on solvents set out in Directive 73/241/EEC<sup>(1)</sup> on cocoa and chocolate products and in Directive 77/436/EEC<sup>(2)</sup> on coffee and chicory extracts. Never-

theless, the Committee makes a number of significant observations which it feels must be taken into account.

**General observations**

2. *Scientific Committee for Food*

2.1. The Committee accepts the evidence and expert opinion on solvents provided by the Scientific Committee for Food, an internationally accepted independent body, and set out in report EUR 7421 (11th series).

(1) Directive 73/241/EEC of 24 July 1973 on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption (see Article 5); OJ No L 228, 16. 8. 1973, p. 23.

(2) Directive 77/436/EEC of 27 June 1977 on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts (see Article 3); OJ No L 172, 12. 7. 1977, p. 20.

2.2. The Committee regrets, therefore, that the views of the Scientific Committee have not been adequately covered in the Commission's proposal, and that in fact in some cases the conditions now put forward are less stringent than those proposed by the Scientific Committee, and in one case (anhydrous solution of ammonia) a new element has been added on which the Scientific Committee has not commented (see the Appendix to this opinion which lists the discrepancies).

2.3. The Committee stresses the need for more rapid progress in respect of this proposal for a Directive, in view of its importance for public health and safety. In particular, the Committee urges the Commission not to wait indefinitely for further consultations and research but to put forward the proposed Directive based on the best information currently available, including the recommendations made in this opinion.

### 3. *Specific criteria*

3.1. In its preamble and in Articles 4 and 5 the proposal states that both general and specific purity criteria for extraction solvents should be 'established' and 'specified'.

3.2. Specific criteria are not yet established, however, and the Committee questions whether the present proposal can have any practical value if it is adopted without first introducing purity criteria. Without these, toxicological evaluation has no basis. Purity criteria must therefore be introduced at the same time as the proposal itself, possibly using manufacturer's 'foodstuff grade specifications' as a basis.

### **Specific observations**

#### 4. *Unavoidable residues*

4.1. The proposal is defined as applying to extraction solvents used in the production of foodstuffs or food ingredients (Article 1); no distinction is made between maximum permissible residues in foodstuffs for retail sale, and such residues in foodstuff ingredients used in the production process, some of which are also sold to the consumer (see Annex, Part II, column 4).

4.1.2. The Committee considers that there is confusion on the implications of this matter for industry, and that the Annex should make a distinction between maximum permissible residues for sales or exchanges at industrial level or for sale to the final consumer.

4.1.3. In particular the Committee is concerned that such maximum permissible residues, if applied at industrial level, might have the effect of driving certain industries out of business, or force them to resort to other and possibly less innocuous extraction solvents.

4.1.4. Accordingly the Committee proposes that Part II of the Annex be amended as follows:

'Under the headings "Light petroleum" and "Propan-1-ol" the phrase in column 4 of Part II which describes the maximum residues for the preparation of protein products and defatted flours should be changed from "20 mg/kg in the protein product of flour" to read "20 mg/kg in the final food containing the ingredient".'

4.2. In Article 1 the proposal defines extraction solvents as those which, although 'removed' may still leave residues whose presence is described as 'technically unavoidable'.

4.2.1. The Committee considers that it must not be assumed that such residues are unavoidable, as future technological research may render this assumption incorrect, by reducing minimum residues to zero.

4.2.2. It would be better, then, to remove the concept of unavoidability from the present proposal and to define an extraction solvent as one which leaves the minimum possible residue in accordance with the best state of the art at any given time. But in all cases this residue must be below the maximum thresholds mentioned in the last column of Part II of the Annex.

#### 5. *Notification period*

5.1. The proposed Directive envisages that the provisions relating to the list of substances cited in

Article 2 (4) shall be re-examined within five years of notification of the Directive.

5.2. The Committee considers that this period is too long and should be substantially reduced. A reduction from five to three years is suggested.

## 6. Positive lists

6.1. The Committee agrees with the principle of the positive list, as set out in Articles 2 and 7 i.e. substances on the list are permitted; substances not on it are not permitted. This is in accordance with the Committee's position on previous proposals of this type <sup>(1)</sup>.

6.2. The Committee draws attention once again to the Annex to the present opinion setting out a number of discrepancies and in particular considers it anomalous that two substances — butyl acetate and propan-2-ol — which the Scientific Committee for Food described as 'temporarily acceptable' should be included in Part I of the Annex to the proposal under the category of 'extraction solvents for which conditions of use are unspecified', and suggests that they be reclassified.

6.3. The Committee considers however that a simple non-bureaucratic procedure should be introduced to allow the addition to the positive list of solvents newly identified by research.

## 7. Derogations

7.1. The Committee notes that under Article 3 a Member State may, by way of derogation, authorize the use within its national territory of extraction solvents *not* on the Directive's positive list, provided that it notifies the Commission within two months.

7.2. Article 3 further stipulates that supporting documentation must be submitted to the Commission within three years. The Committee considers that such supporting documentation should be submitted at the same time as the original notification, not up to three years later.

(<sup>1</sup>) 1. Colouring matters (OJ No C 113, 7. 5. 1980);  
2. Preservatives and antioxidants (OJ No C 348, 31. 12. 1980);  
3. Flavourings (OJ No C 138, 9. 6. 1981).

## 8. Sampling

8.1. The Committee notes the provisions in Articles 5 and 8 for the establishment of procedures and methods for sampling and analyzing extraction solvents as laid down in these Articles, but draws attention to the necessity from the consumers' point of view, that there must be relevant tests made at the retail as well as at other stages of the food production chain.

## 9. Qualified voting procedure

9.1. The Committee considers that the powers of the Standing Committee for Foodstuffs in this particular case should be clearly delimited and not left too wide.

9.2. This would be in conformity with Article 2 of Council Decision 69/414/EEC setting up the Standing Committee for Foodstuffs which provides:

'The Committee shall, in the cases and under the conditions provided for therein, carry out the duties devolving upon it under the instruments relating to foodstuffs adopted by the Council.'

## 10. Exports and imports

10.1. The Committee feels that it is unnecessary to state categorically that the proposed Directive does not apply to exports, as it might only encourage the disposal of less pure products in external markets.

10.1.1. The Committee would prefer to see this problem tackled the other way round: Community standards must apply unless a non-member State lays down specific and compulsory standards in respect of imported extraction solvents, foodstuffs or ingredients.

10.1.2. Accordingly, the Committee proposed that Article 10 (2) be revised or struck out.

10.2. On the other hand, as far as import controls are concerned, the Committee recognizes that the Community cannot legislate for non-Community countries in the matter of solvent standards, but is concerned that solvents produced in third countries below the proposed Community standards will find their way to the Community market.

10.3. The Commission should point out to the Member States that they should take appropriate measures to ensure that no foodstuffs can be

imported from non-Community countries if they contain solvents in excess of Community standards.

Done at Brussels, 23 May 1984.

*The Chairman  
of the Economic and Social Committee*  
François CEYRAC

#### APPENDIX

The recommendations of the Scientific Committee for Food which were not clearly and specifically incorporated in the Commission's proposal are set out below (quotations from Doc. EUR 7421, page 6 et seq. — following order of citation in Annex to the Commission's proposal, Parts I and II).

##### *Annex to Commission's proposal*

#### PART I

(i) *Butyl acetate*

'The Committee considers this substance temporarily acceptable as an extraction solvent.'

(ii) *Propan-2-ol*

'The Committee considers this compound temporarily acceptable as an extraction solvent.'

(iii) *Acetone*

'The Committee recommends that the specification should include a limit of 10 ppm for mesityloxide, (and) considers the use of this substance acceptable as extraction solvent for food provided residues are kept to 5 mg/kg food as consumed.'

(iv) *Nitrous oxide*

'The specification should exclude the presence of other oxides of nitrogen.'

##### *Annex to Commission's proposal*

#### PART II

(i) *Diethyl ether*

'The specification should contain limits for named stabilizers.'

(ii) *Light petroleum*

'A specification is needed with limits for unsaturated aliphatic hydrocarbons and polycyclic aromatic hydrocarbons.'

This substance is also described by the Scientific Committee in the following terms: 'This material is difficult to specify but comprises a mixture of saturated aliphatic hydrocarbons with a specified distillation range, containing up to 50 % hexane and various amounts of heptane.'

This description of 'light petroleum' should be compared with that given in a footnote in Part II of the Annex to the Commission's proposal.

(iii) *Propan-1-ol*

'The Committee considers the use of this compound temporarily acceptable as extraction solvent if residues from this use in food as consumed do not exceed 5 mg/kg.'

(iv) *Methyl ethyl ketone*

'The Committee recommends that the specification should limit the amount of hexane in MEK to 50 mg/kg.'

The Scientific Committee does not comment on the following substance which is included in Part II of the Annex to the Commission's proposal:

Anhydrous solution of ammonia in methanol, ethanol, propan-1-ol, propan-2-ol or butan-2-ol.

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**Opinion on the draft Council recommendation concerning the adoption of a European emergency health card**

(84/C 206/03)

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 21 of 28 January 1984, page 7.

**A. LEGAL BASIS FOR THE OPINION**

On 10 January 1984 the Council decided to consult the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community on the abovementioned draft recommendation.

**Procedure:**

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject adopted its opinion on 26 and 27 April 1984, in the light of the report by Mr Brassier.

**B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE**

At its 217th plenary session, meeting of 23 May 1984, the Economic and Social Committee adopted the following opinion by a *unanimous* vote:

1. The Committee wholeheartedly endorses the point of view expressed by the European Parliament in its resolution of 13 October 1981 calling for the introduction of a European emergency health card.

Therefore, it approves the recommendation submitted to the Council by the Commission.

2. Travel is on the increase among some sections of the Community population. This includes persons suffering from serious or chronic illnesses (8 to 10 % of the population) who may need swift and appropriate medical attention in the event of an accident or illness occurring during a business or pleasure trip.

2.1. Under such circumstances the sick or injured