

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 22 June 1993

Amended proposal for a

COUNCIL DIRECTIVE

on food additives other than colours and sweeteners

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

Explanatory memorandum

In response to the opinion of the European Parliament¹ delivered on 26 May 1993 on the proposal for a Council Directive on food additives other than colours and sweeteners² and in accordance with the third paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend the above mentioned proposal.

The Commission accepted amendments concerning:

- Inclusion of 'quantum satis' in the legal text because of increase of the clearness of the legal act
- exclusion of non-additives of field of application which follows from the definition of food additives as mentioned in the framework directive 89/107/EEC
- In order to avoid that foodstuffs not conform with this directive should be destroyed, an amendment introducing that foodstuffs not conform with the directive may be sold until stocks are exhausted.
- modification to the titles and texts of the annexes increased clearness of directive
- addition to the list of foodstuffs for which additives are forbidden
- survey of consumption of additives which is necessary. This will be needed in order to adapt the directive periodically
- Adaptation of maximum levels of use and addition of certain additives because they correspond to the technological need
- addition of foodstuffs for which E385 is permitted because there is a technological need
- modification of the definition of foodstuffs in which nitrates are used
- addition of a new food additive because it was newly evaluated by the Scientific Committee for Food and has a technological purpose

The Commission did not accept amendments concerning:

- introduction of recitals and articles which were already covered by the proposal or covered in the framework directive 89/107/EEC on which this proposal is based
- requirement of labelling provisions because they belong to the directive 79/112/EEC on labelling
- requirement concerning additives specification to be adopted by the Scientific Committee for Food and opinion of the Scientific Committee for Food because these are requirements covered in the framework directive
- change of the definition of flavour enhancers. The Commissions proposal

1

²OJ N° C206, 13.8.1992, p 12

corresponds to International nomenclature

- inclusion/exclusion of certain foodstuffs of field of application because they are not in line with the definition of food additives
- prohibition of use of additives in certain foodstuffs for which a technological need is shown
- change in the definition of certain foodstuffs because they are not in line with Community legislation
- change in the maximum levels of permission because there is a shown technological necessity
- addition of foodstuffs already covered by the proposal
- deletion of reference to the wine regulation because this item is also covered by Regulation 822/87 on wine
- permission of use of certain additives only in certain countries because it is against the principles of the free movement of goods
- determination of the list of foodstuffs in which phosphates and carrageenan are used
- permission of use of additives in general and in certain foodstuffs and under certain conditions because the requirements are already taken into account in the proposal
- request for establishment of product-specific lists of foodstuffs because it would introduce the principle of recipe law
- total prohibition of use of sorbitan esters and prohibition of use of sweeteners as flavour enhancers because there is a positive opinion of the Scientific Committee for Food and correspond to a technological purpose

In response to the opinion of the European Parliament ¹ delivered on 26 May 1993 on the proposal for a Council Directive on food additives other than colours and sweeteners ² and in accordance with the third paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend the above mentioned proposal as follows:

1. point (h) is added to Article 1 paragraph 4:

"(h) caseinates and casein"

2. The word "generally" is deleted from Article 2 paragraph 2.

3. Text of Article 2 paragraph 3 (a) is replaced by:

"a) unprocessed foodstuffs and honey, virgin oils, butter, pasteurised and sterilised (including UHT sterilisation) milk and cream (including skimmed, plain and semi-skimmed), mineral waters as mentioned in Directive 80/777/EEC (1) coffee, sugars as mentioned in Directive 73/437/EEC (2) non aromatised tea leaves, natural unflavoured yoghurt and natural unflavoured buttermilk, durum wheat pasta, except where specially provided for.

Within the meaning of this directive, unprocessed foodstuffs are foodstuffs that have not undergone any treatment resulting in a substantial change of the original state of the foodstuffs. However, they may have been, for example, divided, parted, severed, bored, skinned, pared, peeled, ground, cut, cleaned, trimmed, chilled, frozen, deep-frozen, unpacked or packed in the presence or not of packaging gases."

4. A new paragraph 7 is added to article 2:

"7. In the Annexes to this Directive 'quantum satis' means that no maximum level is specified. However additives shall be used according to good manufacturing practice, at a level not higher than is necessary to achieve the intended purpose and provided that they do not mislead the consumer."

5. The text of article 8 is replaced by the following text:

"Member States shall, within three years of the adoption of this Directive, establish systems to monitor the consumption and use of food additives and report their findings to the Commission.

The Commission shall report to the European Parliament within five years of the adoption of the Directive on the changes which have taken place in the food additives market, the levels of use and consumption.

In accordance with the General Criteria of point 4 of Annex II to Directive 89/107/EEC, within 5 years from the adoption of this Directive, the Commission shall review the conditions of use mentioned in this Directive, and propose modifications where necessary."

(1)

(2) OJ N° C 206, 13.8.1992, p. 12

6. To the second indent of the first paragraph of Article 10 add the following text:

"However products in circulation or bearing a trademark before this date which do not conform with this Directive may be marketed until stocks have been used up"

7. The title of Annex I is modified as follows:

"Food additives generally permitted for use in foodstuffs
not referred to in Article 2(3) and Annex II"

8. The first note to Annex I is modified as follows:

1. Substances in this list may be added to all foodstuffs with the exception to those mentioned in Article 2(3) and Annex II following the 'quantum satis' principle. *Quantum satis* means that no maximum level is specified. However, these food additives should be used according to good manufacturing practice at a level not higher than is necessary to achieve the intended purpose, provided they do not mislead the consumer.

9. Add the following to the end of Annex II:

Frozen and deep-frozen unprocessed vegetables and fruit	E 300 Ascorbic acid E 301 Sodium ascorbate E 302 Calcium ascorbate E 330 Citric acid E 331 Sodium citrates (i) Monosodium citrate (ii) Disodium citrate (iii) Trisodium citrate E 332 Potassium citrates (i) Monopotassium citrate (ii) Tripotassium citrate E 333 Calcium citrates (i) Monocalcium citrate (ii) Dicalcium citrate (iii) Tricalcium citrate	quantum satis
Quick cooking rice	E 471 Mono and diglycerides of fatty acids E 472a Acetic acid esters of mono and diglycerides of fatty acid	quantum satis

10. The 9th row of Annex II concerning sterilised and UHT cream is replaced by

<p>Sterilised and UHT cream, low-calorie cream and pasteurised low-fat cream</p>	<p>E 270 Lactic acid E 322 Lecithin E 325 Sodium lactate E 326 Potassium lactate E 327 Calcium lactate E 330 Citric acid E 331 Sodium citrates (i) Monosodium citrate (ii) Disodium citrate (iii) Trisodium citrate E 332 Potassium citrates (i) Monopotassium citrate (ii) Tripotassium citrate E 333 Calcium citrates (i) Monocalcium citrate (ii) Dicalcium citrate (iii) Tricalcium citrate E 400 Alginic acid E 401 Sodium alginate E 402 Potassium alginate E 403 Ammonium alginate E 404 Calcium alginate E 406 Agar E 410 Locust bean gum E 415 Xanthan gum E 440 Pectins Modified starches E 508 Potassium chloride E 509 Calcium chloride</p>	<p>quantum satis</p>
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11. In Annex III(C) for the E251 Sodium nitrate and E252 Potassium nitrate replace in the column of foodstuffs "cured meat products" by "meat products"

12. In the 6th row of Annex II concerning Jams, Jellies and marmalades replace the maximum level for Pectins to 10 g/kg

13. For additive E385 Ethylene diamine tetra acetate in Annex IV replace the table with the following:

E 385	Calcium disodium ethylene diamine tetra-acetate	Emulsified sauces	75 mg/kg
		Canned and bottled white vegetables and pulses, legumes, mushrooms and artichokes	250 mg/kg
		Canned and bottled crustaceans	250 mg/kg
		Canned and bottled fish	75 mg/kg
		Minarine	100 mg/kg

14. For additive E407 Carrageenan add the following line to the list of foodstuffs and maximum levels:

		Low-calorie and reduced fat emulsions	10 g/kg
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15 To annex IV add a new line to the table:

E 444	Sucrose acetate isobutyrate	non-alcoholic aromatised water based drinks	300 mg/l
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16. Replace the general title of Annex VI by:

"Food Additives permitted in Foods for Infants
and Young Children"

17. Replace the title section IV of Annex VI by:

"Food Additives permitted in Foods for Infants
and Young Children for special medical purposes"

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