



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.05.1995
COM(95) 177 final

95/0114 (COD)

Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

**amending Directive 95/2/EC of the European Parliament and the Council on
food additives other than colours and sweeteners**

(presented by the Commission)

Explanatory Memorandum

1. Evaluation of the proposal in the light of the principle of subsidiarity

1. *What are the objectives of the proposed action in relation to the obligation of the Community?*

The framework directive 89/107/EEC establishes the general criteria for approval of food additives. The specific directives 94/35/EC, 94/36/EC and 95/2/EC fix the positive list of permitted food additives. Community legislation based on Article 100A shall be developed in order to permit the use of new food additives issuing from new industrial developments and which satisfy the criteria for approval.

2. *Belongs the envisaged action to an exclusive Community competence or is the competence shared between Member States and the Community?*

The envisaged action belongs to an exclusive Community competence.

3. *What is the community dimension of the problem ?*

Alternatively refined carrageenan is a food additive which is not included in the positive list of food additives directives developed under the framework directive 89/107/EEC. This food additive is therefore not permitted for food use in the European Union. This food additive has a commercial importance for the Philippines. Therefore it is necessary that the Community introduces a proposal for a European Parliament and Council directive envisaging the inclusion of the additive in the positive list of food additives.

4. *What is the most efficient solution in the light of the possibilities of the Communities and the Member States ?*

Member States may only permit new food additives for a limited period of 2 years. In order to permit the new food additive beyond that period obligatory Community legislation shall be developed.

5. *What is the added value of the envisaged action, and what are the consequences of the non-action?*

The proposal would permit the use of a food additive in the European Union, as it is already permitted in third countries, and will follow the recommendations of the Codex Alimentarius. The non action would end in a discussion in the OMC.

6. *What are the means of Community action.*

A directive foreseeing a short transposition period adopted by European Parliament and Council following Article 100A is the only solution.

7. *Is harmonisation necessary or is it possible to adopt a framework directive containing general principles leaving the application to the Member States?*

Additives are subject to a total harmonisation prescribed by the framework directive 89/107/EEC. This action follows the obligations fixed by that directive.

2. **Specific comments.**

During the adoption of directive 95/2/EC in European Parliament and Council, the food additive 'Alternatively Refined Carrageenan' was under evaluation by the Scientific Committee for Food. The Common position was adopted by the Council before this evaluation was terminated and therefore the European Parliament, Council and Commission could not envisage to include this substance in the positive list of food additives. Since this substance seems to have an important role in the economy of the Philippines, it is necessary for the Community to take the necessary legal steps in order to permit this substance for food use, since the evaluation of the Scientific Committee for Food has shown that there is no concern for the public health and that there is a demonstrated technological need.

**proposal for a
European Parliament and Council Directive
amending Directive 95/2/EC of the European Parliament and the Council on food
additives other than colours and sweeteners**

**THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN
UNION,**

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

Having regard to the proposal from the Commission ¹,

Having regard to the Opinion of the Economic and Social Committee ²,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption ³, as amended by directive 94/34/CE⁴ and in particular Article 3(2) thereof,

Whereas alternatively refined carrageenan is a new food additive for which the technological need for use in foodstuffs is demonstrated;

Whereas it is necessary to adapt the list of permitted food additives contained in Directive 95/2/EC of the European Parliament and the Council on food additives other than colours and sweeteners⁵ in order to permit the use of this additive,

¹ OJ.

² OJ

³ OJ No. L40 of 11.2.89, p.27

⁴ OJ. No L237 of 10.9.1994, p.1

⁵ OJ No L61 of 18.3.1995, p.1

Whereas the Scientific Committee for Food has been consulted;

Whereas purity criteria will be adopted in accordance with the procedure laid down in Article 11 of Directive 89/107/EEC;

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The following food additive is added to Annex I of Directive 95/2/EC :

E-N°	Name
E 407a	Alternatively Refined Carrageenan

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 25 September 1996 in order to allow, trade in and use of products conforming to this Directive;

They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 3

This Directive shall enter into force on the seventh day following that of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at

**For the European Parliament
The President**

**For the Council
The President**

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