

**Opinion of the European Economic and Social Committee on the Proposal for Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs**

(COM(2004) 650 final — 2004/0237 COD)

(2005/C 255/11)

On 16 November 2004 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the abovementioned communication.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 17 March 2005. The rapporteur was Ms Ann Davison.

At its 416th plenary session, held on 6 and 7 April 2005 (meeting of 6 April 2005), the European Economic and Social Committee adopted the following opinion by 136 votes to 2 with 7 abstentions.

## 1. Background

1.1 This is the sixth amendment on food additives other than colours and sweeteners in ten years, and the third for sweeteners.

1.2 The amendments to Directive 95/2/EC, which operated on the principle of positive lists, concern additives 'other than colours and sweeteners'. This means that the focus is mainly on emulsifiers and stabilisers, and preservatives.

1.3 The amendments set out to withdraw, reduce, re-appraise, authorise, extend, clarify and re-name certain food additives in these relevant categories. These changes take into account the Scientific Committee on Food's and European Food Safety Authority's opinions on new additive proposals and the extension of the uses of certain existing additives. The amendments will also introduce harmonised controls on additives needed for the storage and use of flavourings. (At present different laws apply in individual Member States.)

1.4 The new provisions will make sure that additives will only be permitted where they have been evaluated for safety, where the technological use has been justified, and no intake concerns identified.

## 2. General comments

2.1 The Committee proposed the establishment of a European Food Safety Authority and is pleased at the resultant separation of risk assessment from risk management, also that the EFSA seems to be taking account of need for any new products. It hopes that the member states are applying sufficient resources for enforcement of the EFSA's new approach. The EESC welcomes this update of legislation and has certain detailed comments.

## 3. Specific Comments

It would be clearer if the Commission would include e numbers, as stated on the label, against the named additives in its documents.

### 3.1 Sodium compounds

The text includes a number of sodium compounds. The EESC is concerned that consumers do not realise from the labelling that these are salt and so can contribute to their total maximum suggested average daily intake of 6g. They therefore cannot respond meaningfully to advice to reduce their intake.

### 3.2 Nitrites and nitrates

The Commission wishes, on the advice of the EFSA to lower the permitted levels as much as possible without compromising food safety. Nitrates and nitrites are useful preservatives but too much consumption carries its own risk. The Commission therefore suggests a strategy which sets a maximum level. In the interest of consumer safety, the EESC would like to see as low a base line as possible, if necessary with different levels for different products to achieve this.

### 3.3 Weaning foods and food supplements and foods for special medical purposes

The EESC supports the Commission's proposal to align its wording by replacing the term 'weaning foods' in all legislation with 'processed cereal — based foods and baby foods' and to clarify the wording on food supplements and foods for special medical purposes.

### 3.4 p — Hydroxybenzoates

3.4.1 These were due for review and the EFSA has established a full group acceptable daily intake of 0-10 mg/kg by weight for the sum of methyl and ethyl p-hydroxybenzoic acid esters and their sodium salts. However it is recommended to remove approval for propyl paraben which had effects on sex hormones and organs in juvenile rats. It is also proposed to withdraw the use of p-hydroxybenzoates in liquid dietary food supplements.

3.4.2 The Committee understands that the EFSA calculation of ADI allows a safety margin for children and other vulnerable groups. It agrees that in the absence of a no observable adverse effect level approval should be withdrawn.

### 3.5 Gelling agents in jelly mini-cups

In view of the well-documented risk from choking, it is proposed to withdraw from use a number of gel forming food additives. The EESC agrees with the ban but points out that it is the shape, form and consistency of such sweets which create the risk rather than the additives themselves. A broader ban is needed to prevent them altogether from coming onto the market. As there is no provision under general food law or in the General Product Safety Directive for introducing a ban on the product itself, the product is prohibited via the food additives it contains. The Committee considers that the EU should have the option to ban an unsafe food product.

### 3.6 Erythritol

This is a sweetener that occurs naturally in some fruit, mushrooms, fermented foods and cheese but is also useful for other purposes and is proposed to be permitted for several uses. The EESC agrees with this decision but queries the wording 'masking unwanted off-flavours' which sounds as though food which is less than fresh could be masked. The EESC notes the advantages of a new sweetener to particular groups of frequent users such as diabetics. It not only increases their choice of products containing artificial sweeteners but has fewer laxative effects which need not in this case now be labelled.

### 3.7 4 — hexylresorcinol

3.7.1 This is proposed as an alternative and not as a withdrawal of sulphites which prevent browning of crustaceans. The Scientific Committee on food ruled it acceptable provided residues in crustaceans meat do not exceed 2 mg/kg.

3.7.2 The EESC is concerned about people who consume an unusual amount of crustaceans — people living on the coast, for example. The EFSA should assess whether 4-hexylresorcinol or sulphites, or a mix, is safer for consumers.

### 3.8 Soybean hemicellulose

This is derived from fibre from (traditional) soy and approved by the SCF. All products from soybean including soybean

hemicellulose, have to be labelled because they are potential allergens.

3.8.1 The EESC accepts this change to the use of soybean hemicellulose since the need for these restricted uses has been established

### 3.9 Ethyl cellulose

This is prepared from wood pulp or cotton and is widely used as a filler in pharmaceutical tablets. The EFSA did not consider any ADI to be necessary. The EESC agrees with the proposal to extend its use in the same way as for other cellulose

### 3.10 Extending use of already authorised food additives

The Commission proposes extending the use of three additives, sodium hydrogen carbonate, sorbates and benzoates and silicon dioxide.

#### — Sodium hydrogen carbonate

The additive was originally defined as a processing aid which does not come within Community competence. It has now been redefined but its use has not been questioned by the Commission because it is already permitted in organic foods.

#### — Sorbates and benzoates in crustaceans

It is proposed to extend the use of the above on the basis that consumption is unlikely to increase significantly. The EESC considers that the average figure for consumption of such products may hide significant variation and wonders whether high consumers are sufficiently protected. It welcomes the fact that the Commission is collecting more information on benzoates.

#### — Silicon dioxide

The Commission needs to make clear its view that higher dosage of silicon dioxide would be preferable to maintenance of high consumption of organic dyes.

### 3.11 Timing

The suspension of placing on the market of jelly cup sweets needs to remain until and unless the new legislation takes over and has the same effect.

Brussels, 6 April 2005.

The President  
of the European Economic and Social Committee  
Anne-Marie SIGMUND