

AMENDMENT 31

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 31

Recital 3

(3) The principle underlying this Regulation should be that any material or article intended to come into contact with food must be sufficiently inert to preclude substances being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties.

(3) The principle underlying this Regulation should be that any material or article intended to come into contact ***directly or indirectly*** with food must be sufficiently inert to preclude substances being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties.

Or. en

Justification

Part of the compromise package.

AMENDMENT 32

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report**A5-0147/2004****Astrid Thors**

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 32

Recital 4

(4) New types of materials and articles designed to actively maintain or improve the condition of the food (“active food contact materials and articles”) are not inert by their design, contrary to traditional materials and articles intended to come into contact with food. Other types of new materials and articles are designed to monitor the condition of the food (“intelligent food contact materials and articles”). Both these types of materials and articles may be brought into contact with food. It is therefore necessary, for reasons of clarity and legal certainty, for active and intelligent food contact materials and articles to be included in the scope of this Regulation and the main requirements for their use to be established.

(4) New types of materials and articles designed to actively maintain or improve the condition of the food (“active food contact materials and articles”) are not inert by their design, contrary to traditional materials and articles intended to come into contact with food. Other types of new materials and articles are designed to monitor the condition of the food (“intelligent food contact materials and articles”). Both these types of materials and articles may be brought into contact with food. It is therefore necessary, for reasons of clarity and legal certainty, for active and intelligent food contact materials and articles to be included in the scope of this Regulation and the main requirements for their use to be established. ***Further requirements should be stated in specific measures, to include positive lists of authorised substances and/or materials and articles, which should be adopted as soon as possible.***

Or. en

Justification

Part of the compromise package.

AMENDMENT 33

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, ,
on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 33
Recital 5 a (new)

(5a) Active food contact materials and articles may change the composition or the organoleptic properties of the food, only if the changes comply with the Community provisions applicable to food, such as the provisions of Directive 89/107/EEC on food additives. In particular substances such as food additives deliberately incorporated into certain active food contact materials and articles for release into packaged foods or the environment surrounding such foods should be authorised under the relevant Community provisions applicable to food and also be subject to other rules which will be established in a specific measure.

In addition adequate labelling or information should support users in the safe and correct use of active materials and articles in compliance with the food legislation, including the provisions on food labelling.

Or. en

Justification

Part of the compromise package.

AMENDMENT 34

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 34
Recital 5 b (new)

(5b) Active and intelligent food contact materials and articles should not change the composition or the organoleptic properties of food or give information about the condition of the food that could mislead the consumers. For example active food contact materials should not release or absorb substances such as aldehydes or amines in order to mask an incipient spoilage of the food. Such changes which could manipulate signs of spoilage could mislead the consumer and they should therefore not be allowed. Similarly, active food contact materials which produce colour changes to the food that give the wrong information about the condition of the food could mislead the consumer and therefore should not be allowed either.

Or. en

Justification

Part of the compromise package. Replaces amendment 6.

AMENDMENT 35

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 35
Recital 6

(6) Any material and article intended to come into contact with food which is placed on the market should comply with the requirements of this Regulation. Nevertheless, materials and articles ***manufactured and placed on the market before 1 January 1980, when the rules of Directive 76/893/EEC became applicable, and which are supplied as antiques, should be excluded.***

(6) Any material and article intended to come into contact with food which is placed on the market should comply with the requirements of this Regulation. Nevertheless, materials and articles ***supplied as antiques should be excluded as they are available in restricted quantities and their contact with food is therefore limited.***

Or. en

Justification

Part of the compromise package.

AMENDMENT 36

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 36
Recital 7

(7) Covering or coating *products* forming part of the food and possibly being consumed with it should not fall within the scope of this Regulation.

(7) Covering or coating *materials* forming part of the food and possibly being consumed with it should not fall within the scope of this Regulation. *On the other hand, this Regulation should apply to covering or coating materials which cover cheese rinds, prepared meat products or fruit but which do not form part of foodstuffs and are not intended to be consumed together with those foodstuffs.*

Or. en

Justification

Part of the compromise package.

AMENDMENT 37

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 37
Recital 10

(10) When specific measures include a list of substances authorised within the Community for use in the manufacture of materials and articles intended to come into contact with food, those substances should undergo a safety assessment prior to their authorisation.

(10) When specific measures include a list of substances authorised within the Community for use in the manufacture of materials and articles intended to come into contact with food, those substances should undergo a safety assessment prior to their authorisation. ***The safety assessment and authorisation of those substances should be without prejudice to the relevant requirements of the Community legislation concerning the registration, evaluation, authorisation and restriction of chemicals.***

Or. en

Justification

Part of the compromise package. Replaces amendment 1.

AMENDMENT 38

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 38
Recital 12 a (new)

(12a) It is appropriate to provide for the possibility of an administrative review of specific acts or omissions on the part of the Authority under this Regulation. This review should be without prejudice to the role of the Authority as an independent scientific point of reference in risk assessment.

Or. en

Justification

Part of the compromise package.

AMENDMENT 39

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 39
Recital 14

(14) *A symbol was introduced by* Commission Directive 80/590/EEC of 9 June 1980 *determining the* symbol that may accompany materials and articles intended to come into contact with foodstuffs. *It* should, for reasons of simplicity, be incorporated in this Regulation.

(14) Commission Directive 80/590/EEC of 9 June 1980 *introduced a* symbol that may accompany materials and articles intended to come into contact with foodstuffs. *This symbol* should, for reasons of simplicity, be incorporated in this Regulation.

Or. en

Justification

Part of the compromise package.

AMENDMENT 40

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 40
Recital 15

(15) Traceability of materials and articles intended to come into contact with food should be ensured at all stages. Business operators should at least be able to identify the businesses from which and to which the materials and articles have been supplied.

(15) Traceability of materials and articles intended to come into contact with food should be ensured at all stages ***in order to facilitate control, recall of defective products, information given to consumers and attribute responsibility***. Business operators should at least be able to identify the businesses from which and to which the materials and articles have been supplied.

Or. en

Justification

Part of the compromise package.

AMENDMENT 41

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 41
Recital 15 a (new)

(15a) In the control of the compliance of the materials and articles with this Regulation it is appropriate to take into account of the special needs of developing countries, and in particular of the least-developed countries. The Commission has been committed by the Regulation [...] on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules to support developing countries with regard to food safety, including the safety of the materials and articles in contact with food. Special provisions have been therefore established in that Regulation which should be applicable also to the food contact materials and articles.

Or. en

Justification

Part of the compromise package. Replaces amendments 2 and 26.

AMENDMENT 42

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 42
Recital 16 a (new)

(16a) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents applies to documents held by the Authority.

Or. en

Justification

Part of the compromise package. Replaces amendment 23.

AMENDMENT 43

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 43
Recital 18 a (new)

(18a) The use of recycled materials and articles should be favoured in the Community for environmental reasons provided that strict requirements are established to ensure food safety and consumer protection. Such requirements should be established taking also into account the technological characteristics of the different groups of materials and articles mentioned in Annex I. Priority should be given to the harmonisation of rules on recycled plastic material and articles as their use is increasing and national laws and provisions are lacking or are divergent. Therefore, a draft of a specific measure on recycled plastic materials should be made available to the public as soon as possible in order to clarify the legal situation in the Community.

Or. en

Justification

Part of the compromise package. Replaces amendments 3 and 8.

AMENDMENT 44

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 44
Recital 20

(20) The Member States should lay down rules on *penalties* applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those *penalties* must be effective, proportionate and dissuasive.

(20) The Member States should lay down rules on *sanctions* applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those *sanctions* must be effective, proportionate and dissuasive.

Or. en

Justification

Part of the compromise package.

AMENDMENT 45

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 45
Recital 20 a (new)

(20a) It is necessary to provide that business operators should have sufficient time to adapt to some of the requirements established by the present Regulation.

Or. en

Justification

Part of the compromise package.

AMENDMENT 46

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 46
Article 1, paragraph 1

1. The purpose of this Regulation is to ensure the effective functioning of the internal market in relation to materials and articles intended to come into contact with **foodstuffs**, whilst providing the basis for securing a high level of protection of human health and the interests of consumers.

1. The purpose of this Regulation is to ensure the effective functioning of the internal market in relation to ***the placing on the market in the Community of*** materials and articles intended to come into contact ***directly or indirectly*** with ***food***, whilst providing the basis for securing a high level of protection of human health and the interests of consumers.

Or. en

Justification

Part of the compromise package.

AMENDMENT 47

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 47

Article 1, paragraph 2, introductory wording

2. This Regulation shall apply to materials and articles (*hereinafter referred to as 'materials and articles'*), including active and intelligent food contact materials and articles, which in their finished state:

2. This Regulation shall apply to materials and articles, including active and intelligent food contact materials and articles, (*hereinafter referred to as 'materials and articles'*) which in their finished state:

Or. en

Justification

Part of the compromise package.

AMENDMENT 48

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

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A5-0147/2004

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Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 48

Article 1, paragraph 2, point (c)

(c) can reasonably be expected to be brought into contact with foods or to transfer their constituents to food.

(c) can reasonably be expected to be brought into contact with foods or to transfer their constituents to food ***under normal or foreseeable conditions of use.***

Or. en

Justification

Part of the compromise package. Replaces amendment 4.

AMENDMENT 49

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

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Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 49

Article 1, paragraph 3, points (a) and (b)

(a) materials and articles which *were manufactured and placed on the market before 1 January 1980 and which* are supplied as antiques;

(a) materials and articles which are supplied as antiques;

(b) covering or coating *products*, such as the *products* covering cheese rinds, prepared meat products or fruits, which form part of food and may, be consumed together with this food;

(b) covering or coating *materials*, such as the *materials* covering cheese rinds, prepared meat products or fruits, which form part of food and maybe consumed together with this food;

Or. en

Justification

Part of the compromise package.

AMENDMENT 50

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 50
Article 2, paragraph 1

For the purposes of this Regulation, the definitions laid down in Regulation (EC) No 178/2002 shall apply, with the exception of the *definition* of “traceability”.

For the purposes of this Regulation, the *relevant* definitions laid down in Regulation (EC) No 178/2002 shall apply, with the exception of the *definitions* of “traceability” and “*placing on the market*”.

Or. en

Justification

Part of the compromise package.

25 March 2004

A5-0147/51

AMENDMENT 51

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of the PSE Group, and Martin Kastler, on behalf of the PPE-DE Group

Report

A5-0147/2004

Astrid Thors

Materials and articles intended to come into contact with food

Proposal for a regulation (COM(2003) 689 – C5-0549/2003 – 2003/0272(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 51

Article 2, paragraph 2, point 5a (new)

(5a) "placing on the market" means the holding of materials and articles for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves.

Or. en

Justification

Part of the compromise package.