

**AMENDMENT 52**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 52  
Article 3

Materials and articles shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could:

- (a) endanger human health; or
- (b) bring about an unacceptable change in the composition of the food or *a deterioration in the organoleptic characteristics thereof*.

**1. Materials and articles, *including active and intelligent materials and articles*, shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could:**

- (a) endanger human health; or
- (b) bring about an unacceptable change in the composition of the food; or

**(ba) bring about a deterioration in the organoleptic characteristics thereof.**

**2. The labelling, advertising and presentation of a material or article shall not mislead the consumers.**

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 53**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 53  
Article 4, paragraph 1

1. *Without prejudice to Article 3(a)*, active materials and articles may bring about changes in the composition or the organoleptic characteristics of the food **only if** the changes comply with the Community provisions **or, in their absence**, with the national provisions applicable to food.

1. ***In the application of Article 3(1)(b) and 3(1)(ba)***, active materials and articles may bring about changes in the composition or the organoleptic characteristics of the food ***on the condition that*** the changes comply with the Community provisions ***applicable to food, such as the provisions of Directive 89/107/EEC on food additives and related implementing measures, or, if no Community provisions exist***, with the national provisions applicable to food.

Or. en

*Justification*

*Part of the compromise package. Replaces amendment 5.*

**AMENDMENT 54**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 54  
Article 4, paragraph 1a (new)

***1a. Pending the adoption of additional rules in a specific measure on active and intelligent materials and articles, substances deliberately incorporated into active materials and articles to be released into the food or the environment surrounding the food shall be authorised and used in accordance with the relevant Community provisions applicable to food, and shall comply with the provisions of this Regulation and its implementing measures.***

***These substances shall be considered as ingredients within the meaning of Article 6(4)(a) of Directive 2000/13/EC.***

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 55**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 55  
Article 4, paragraph 2

2. Active materials and articles shall not bring about changes in the composition or the organoleptic characteristics of the food which could mislead the consumers.

2. Active materials and articles shall not bring about changes in the composition or the organoleptic characteristics of the food, ***for instance by masking the spoilage of food***, which could mislead the consumers.

Or. en

*Justification*

*Part of the compromise package. Replaces partly amendment 6.*

25 March 2004

A5-0147/56

**AMENDMENT 56**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 56  
Article 4, paragraph 3a (new)

***3a. Active and intelligent materials and articles already brought into contact with food shall be adequately labelled to allow identification by the consumer of non-edible parts.***

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/57

**AMENDMENT 57**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead,  
on behalf of PSE Group, Martin Kastler, on behalf of 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 57  
Article 4, paragraph 3b (new)

***3b. Active and intelligent materials and articles shall be adequately labelled to indicate that the materials or articles are active and/or intelligent.***

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 58**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 58  
Article 5, paragraph 1

For the groups of materials and articles listed in Annex I and, where appropriate, combinations of those materials and articles, specific measures may be adopted in accordance with the procedure referred to in Article 21(2).

***1.*** For the groups of materials and articles listed in Annex I and, where appropriate, combinations of those materials and articles ***or recycled materials and articles used in the manufacture of those materials and articles***, specific measures may be adopted ***or amended*** in accordance with the procedure referred to in Article 21(2).

Or. en

*Justification*

*Part of the compromise package. Replaces amendment 8.*

**AMENDMENT 59**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 59

Article 5, paragraph 2, point (a)

(a) a list of the substances *the use of which is authorised to the exclusion of all others (positive list)*;

(a) a list of substances *authorised for use in the manufacturing of materials and articles*;

Or. en

*Justification*

*Part of the compromise package.*



25 March 2004

A5-0147/60

**AMENDMENT 60**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 60

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

*(aa) list(s) of authorised substances incorporated in active or intelligent food contact materials and articles, or list(s) of active or intelligent materials and articles and, when necessary, special conditions of use for these substances and/or the materials and articles in which they are incorporated;*

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 61**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 61  
Article 5, paragraph 2, point (j)

(j) **additional** provisions for ensuring traceability of materials and articles;

(j) **specific** provisions for ensuring traceability of materials and articles **including provisions regarding the duration for retention of records or provisions to allow, if necessary, for derogations from the requirements of Article 15;**

Or. en

*Justification*

*Part of the compromise package. Replaces amendment 7.*

25 March 2004

A5-0147/62

**AMENDMENT 62**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 62

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

***(ja) additional provisions of labelling for active and intelligent materials and articles;***

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 63**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 63  
Article 5, paragraph 2, point (k)

(k) provisions requiring that the Commission establishes and maintains a publicly available Community Register (“Register”) of authorised substances, materials or articles.

(k) provisions requiring that the Commission establishes and maintains a publicly available Community Register (“Register”) of authorised substances, *processes or* materials or articles;

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 64**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 64

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

*(ka) specific procedural rules adapting, as necessary, the procedure referred to in Articles 7 to 11, or making it appropriate for the authorisation of certain types of materials and articles and/or processes used in their manufacture, including, where necessary, a procedure for an individual authorisation of a substance, material or article or process through a decision addressed to an applicant.*

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/65

**AMENDMENT 65**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead,  
on behalf of PSE Group, Martin Kastler, on behalf of 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 65  
Article 5, paragraph 2a (new)

*1a. Existing specific directives on materials  
and articles shall be amended in  
accordance with the procedure laid down in  
Article 21(2).*

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/66

**AMENDMENT 66**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 66  
Article 5a (new)

*Article 5a*

*National specific measures*

*In absence of specific measures referred to in Article 5, this Regulation does not prevent Member States from maintaining or adopting national provisions provided they comply with the rules of the Treaty.*

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/67

**AMENDMENT 67**

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

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Amendment by Parliament

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Amendment 67  
Article 7, title

General requirements for *placing on the market*

General requirements for *the authorisation of substances*

Or. en

*Justification*

*Part of the compromise package.*



**AMENDMENT 68**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 68  
Article 7, paragraph 1

1. *If* a list as referred to in point (a) of the second subparagraph of Article 5 is adopted, anyone seeking an authorisation for a substance not yet included in that list shall submit an application in accordance with Article 8(1).

1. *When* a list *of substances* as referred to in *points (a) and (aa)* of the second subparagraph of Article 5(*I*) is adopted, anyone seeking an authorisation for a substance not yet included in that list shall submit an application in accordance with Article 8(1).

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 69**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 69  
Article 8, paragraph 1, point (a)

(a) the application shall be sent to the ***national*** competent authority of a Member State accompanied by the following:

(a) the application shall be sent to the competent authority of a Member State accompanied by the following:

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/70

**AMENDMENT 70**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 70  
Article 8, paragraph 1, point (b)

(b) the *national* competent authority shall:

(b) the competent authority *referred to in (a)* shall:

Or. en

*Justification*

*Part of the compromise package.*

**AMENDMENT 71**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 71  
Article 8, paragraph 2

2. The Authority shall publish detailed guidance concerning the preparation and the submission of the application. ***Pending such publication, applicants shall consult the “Guidelines of the Scientific Committee on Food for the presentation of an application for safety assessment of a substance to be used in food contact materials prior to its authorisation”<sup>1</sup>.***

2. The Authority shall publish detailed guidance concerning the preparation and the submission of the application<sup>1</sup>.

<sup>1</sup>  
[http://europa.eu.int/comm/food/fs/sc/scf/out82\\_en.pdf](http://europa.eu.int/comm/food/fs/sc/scf/out82_en.pdf).

<sup>1</sup> ***Pending such publication, applicants may consult the “Guidelines of the Scientific Committee on Food for the presentation of an application for safety assessment of a substance to be used in food contact materials prior to its authorisation”.***  
[http://europa.eu.int/comm/food/fs/sc/scf/out82\\_en.pdf](http://europa.eu.int/comm/food/fs/sc/scf/out82_en.pdf).

Or. en

*Justification*

*Part of the compromise package.*

25 March 2004

A5-0147/72

**AMENDMENT 72**

by Astrid Thors, on behalf of the ELDR Group, Dagmar Roth-Behrendt and Phillip Whitehead, on behalf of PSE Group, Martin Kastler, on behalf of 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 72*

Article 9, paragraph 1, subparagraph 1

1. The Authority shall give an opinion within six months of the receipt of a valid application, as to whether the substance under the intended conditions of use of the material or article in which it is used, complies with the criteria laid down in Articles 3 and 4.

1. The Authority shall give an opinion within six months of the receipt of a valid application, as to whether the substance under the intended conditions of use of the material or article in which it is used, complies with the *safety* criteria laid down in Articles 3 and 4.

Or. en

*Justification*

*Part of the compromise package.*