

# EUROPEAN PARLIAMENT

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*Session document*

FINAL  
**A5-0347/2000**

22 November 2000

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners (9662/1/2000 – C5-0425/2000 – 1999/0158(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Paul Lannoye

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

## CONTENTS

	<b>Page</b>
PROCEDURAL PAGE .....	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT .....	7

## PROCEDURAL PAGE

At the sitting of 11 April 2000 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending Directive 95/2/EC on food additives other than colours and sweeteners (COM(1999) 329 - 1999/0158 (COD)).

At the sitting of 20 September 2000 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (9662/1/2000 - C5-0425/2000).

The committee appointed Paul Lannoye rapporteur at its meeting of 22 September 1999.

It considered the common position and the draft recommendation for second reading at its meetings of 17 October and 21 November 2000.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Caroline F. Jackson, (chairman), Paul Lannoye, (rapporteur), Per-Arne Arvidsson, Maria del Pilar Ayuso González, Hans Blokland, David Robert Bowe, Hiltrud Breyer, Chris Davies, Alexander de Roo, Avril Doyle, Jim Fitzsimons, Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Bernd Lange, Paul Lannoye (for Marie Anne Isler Béguin), Marie-Noëlle Lienemann, Torben Lund, Jules Maaten, Minerva Melpomeni Malliori, Maria Martens (for John Bowis), Rosemarie Müller, Riitta Myller, Giuseppe Nisticò, Karl Erik Olsson, Ria G.H.C. Oomen-Ruijten, Béatrice Patrie, Marit Paulsen, Frédérique Ries, Didier Rod (for Patricia McKenna), Guido Sacconi, Horst Schnellhardt, María Sornosa Martínez, Bart Staes (for Inger Schörling), Catherine Stihler, Marianne L.P. Thyssen (for Marielle de Sarnez), Antonios Trakatellis, Kathleen Van Brempt (for Dorette Corbey) and Phillip Whitehead.

The recommendation for second reading was tabled on 22 November 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners  
(9662/1/2000 – C5-0425/2000 – 1999/0158(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (9662/1/2000 – C5-0425/2000),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(1999) 329<sup>2</sup>),
  - having regard to the Commission's amended proposal (COM(2000) 451<sup>3</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0347/2000),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> OJ C 21, 25.1.2000, p. 42.

<sup>3</sup> Not yet published in the Official Journal.

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*food additives are concerned. This amendment is essential for the coherence of the text..*

(Amendment 1)  
Article 1(2)

2) in Annex II:

**Delete**

the following row shall be added:

"

Prepacked peeled and/or cut unprocessed carrots_	E 401 Sodium alginate	<i>Quantum satis</i>
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";

*Justification:*

*The presence of additives in an unprocessed food may mislead consumers. Authorisation of this additive would result in an increase in substances with a laxative effect, which is problematic as the synergistic effects have not yet been studied.*

## EXPLANATORY STATEMENT

The common position concurs to some extent with Parliament's opinion at first reading regarding the amendment of Directive 95/2/EC in that it proposes to **authorise the inclusion of hydrogen (E 949) and zinc acetate (E 650)** in Annex I and Annex IV of the directive respectively, to **extend the uses of glycerol esters of wood resin (E 445)** and **not to authorise** the use of **ethyl hydroxyethyl cellulose (E 467)** as a new food additive.

However, in contrast to Parliament's opinion, the common position upholds the proposal to **extend authorisation to sodium alginate (E 401)** allowing its use for **prepacked peeled and/or cut unprocessed carrots**.

As regards the **technological need** to use sodium alginate, it should be pointed out that it is used in this case as a firming agent for peeled, cut ready-to-eat packaged carrots. The carrots are plunged into a water bath containing 10 mg of alginate per litre of water. This treatment prevents the whitening of the carrots' surface that results from drying out and internal metabolism. It also prevents softening of the carrot pieces and helps maintain the organoleptic qualities of the carrots.

As regards **usefulness to the consumer**, In view of the preceding paragraph, the use of alginate might seem to be of positive value to the consumer. However, treatment with alginate may **mislead** the consumer, since the food may appear fresher than it really is.

Also, what is being done here is to authorise the use of E 401 for peeled, cut, ready-to-eat carrots. This additive is currently contained in Annex I to Directive 95/2/EC and cannot, therefore, be used for the carrots in question. Article 2(3) of that Directive stipulates that the additives listed in Annex I cannot be used for **unprocessed** foodstuffs, i.e. food which has not undergone treatment involving a significant change to its original state. However, these foodstuffs are allowed to be [...], **peeled**, [...], **cut**, [...], packaged or unpackaged.

By authorising the use of sodium alginate in the case of peeled carrots one would thus be introducing an additive into an unprocessed item of food; food in which the consumer does not expect to find any additives. Here again there is a risk of the consumer being **misled**.

**It would therefore seem clear that the use of the additive contravenes the first criterion, third indent of Annex II of Directive 89/107/EC.**

As regards the **harmlessness** of sodium alginate, it should be borne in mind that this is a substance generally considered to be innocuous. It has a laxative effect which is considered to be negligible in the small quantity ingested. However, sodium alginate is not the only additive with a laxative effect present in human food. Celluloses and polyols also have such an effect. On the subject of the various ingredients in food having a laxative effect, the Scientific Committee on Food concluded its opinion of 13 March 1992 on the re-evaluation of five modified celluloses, as follows (see reports of the Scientific Committee on Food, 32<sup>nd</sup> series, 1994):

*In accordance with its evaluation of thickening agents with similar biological properties, the Committee has set an 'unspecified' acceptable daily intake (ADI) for the five cellulose derivatives listed in Directive 74/329/EEC.*

*This evaluation applies only to the current uses of food additives, for which the addition levels are usually in the region of 0.2 to 3.0%. Provided utilisations remain at their current level and that addition levels are kept within the limits necessary for purely technological purposes, real clinical laxative effects should not occur. However, the contribution of other food components with potential laxative effects to the overall dietetic burden of substances with this biological property should be the subject of a study.*

The study recommended by the Scientific Committee was not carried out, although consumption of foods containing such substances is on the increase (polyols in 'diet' sugar-free foods, thickening agents, many ready-to-eat desserts, yoghurts, etc.).

By authorising the use of sodium alginate in prepacked and/or cut, unprocessed carrots we would be adding still further to the sources of additives with a laxative potential without having assessed the synergy between such substances.

**In these circumstances, the first criterion, second indent and third criterion (cumulative effects of additives) of Annex II of Directive 89/107/EC are not met.**

Moreover, the common position also upholds the authorisation to use butane (E 943a), isobutane (E 943b) and propane (E 944) as gas propellants for vegetable oils and water-based emulsion sprays. At first reading, Parliament rejected the inclusion of these three gases in Annex IV of Directive 95/2/EC, in particular because of the lack of information concerning the purity criteria to be applied to these three additives. The information received in the interim is still inadequate in relation to mineral hydrocarbon residues which these additives might contain.

In addition, the following question raised at first reading is yet to be answered: 'What other additives have to be added to vegetable oils and emulsions in order to vaporise them using the three gases?'

Finally, one wonders whether it is useful to authorise use of propellant gases which, firstly, carry a high explosion risk and, secondly, come from a fossil, i.e. non-renewable, source.

**For these reasons, the use of these three additives should not be authorised.**