

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 307 final.

Brussels, 19 June 1975

Proposal for a

COUNCIL DIRECTIVE

fixing the maximum level of erucic acid in fats
and oil and margarine for food.

Proposal for a

REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 657/75 on the standard
quality for colza and rape seed

(submitted to the Council by the Commission)

COM(75) 307 final.



Explanatory note

1. There have been several reports in both the popular and scientific press referring to the possible harmful effects of the consumption of rapeseed oil. The Commission therefore asked the Scientific Committee for Food to specify the state of our knowledge concerning the effects that might result from the consumption of rapeseed oil.
2. The Committee recommended that when rapeseed oils were used for human consumption preference should be given to the varieties with low levels of long chain fatty acids (C22 or higher). The Committee also recommended that as the effects reported for rapeseed may not be unique to these oils, further research on long chain fatty acids and on oils and fats used in food was necessary.
3. The present proposal is intended to implement this advice in a practical way. The scope of the Directive includes all fats and oils which might contain this acid. It is not intended that the measures will prevent the current practice of blending fats and oils for consumption as such, or in the manufacture of compound foods containing fats and oils as ingredients or components (e.g. margarine) providing that the level of erucic acid in the fat or oil in the product to be consumed does not exceed the level stipulated.
4. These measures have been proposed as a matter of prudence until the further research, which has already been put into operation by the Commission, has been completed. It is envisaged that the Scientific Committee for Food will be requested to examine these and any other data which become available in the meantime on other oils and fats which may contain similar long chain fatty acids which may provoke the same kind of effect.

.../...

5. For expediency this proposal is being considered in isolation from the discussion on legislation for fats and oils in general, and for margarine. However, the measures now proposed may be assimilated within the scope of the legislation on these materials.
6. Consultation with the European Parliament is required. Consultation with the Economic and Social Committee is desirable in view of the nature of the proposal which relates to food law.

Proposal for a Council Directive fixing the maximum level of erucic acid in fats and oils and margarine for food.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular article 43 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the opinion of the European Parliament ;

Having regard to the opinion of the Economic and Social Committee;
Whereas the ingestion of high levels of rapeseed oil has been shown to produce undesirable effects on experimental animals ; but the applicability of these undesirable effects to man has not been completely demonstrated ;

Whereas these effects appear to be principally due to erucic acid, one of the components of this oil ;

Whereas other edible fats and oils contain erucic acid ;

Whereas further research is at present in progress, on rapeseed oil and other oils and fats, but as a matter of prudence, until these results are known, the ingestion of erucic acid should be restricted ;

Whereas this restriction can be achieved by progressively reducing the level permitted in oils and fats and in margarine for direct consumption or used as ingredients in, or components of, more complex foods ;

Whereas the fixing of methods of sampling and analysis necessary for determining the level of erucic acid in the product considered are implementing measures of a technical nature ; whereas their adoption should be entrusted to the Commission in order to simplify and expedite the procedure ;

Whereas in all cases in which the Council confers on the Commission authority to implement rules relating to foodstuffs, a procedure should be laid down establishing close cooperation between the Member States and the Commission within the Standing Committee on Foodstuffs set up by the Council Decision of 13 November 1969 (1).;

Whereas, having regard to the results of certain further research at present in progress, the levels of erucic acid herein laid down shall be subject to revision ;

.../...

(1) O.J. N° L 291 of 19.11.69, p. 9.

HAS ADOPTED THIS DIRECTIVE

Article 1

This directive applies to fats, oils and their mixtures and to margarine which

- a) as finished products are intended to be consumed directly by man ;
- b) without being submitted previously to other preparations or transformations, are used as such in the fabrication of compound foods.

Article 2

The level of erucic acid of the products referred to in Article 1, calculated on the total level of fatty acids in the fat component, shall be not greater than

- a) 15 % during the period from 1 July 1976 until 30 June 1977,
- b) 10 % from 1 July 1977.

Article 3

The sampling procedures and methods of analysis for the determination of the level of erucic acid of the products referred to in Article 1 shall be determined in accordance with the procedure laid down in Article 4.

Article 4

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee on Foodstuffs, set up by the Council Decision of 13 November 1969 (hereinafter called "the Committee") by its Chairman, either on his own initiative or at the request of a representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within the time limit set by the Chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of forty-one votes the votes of the Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.
3. (a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them.
(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 5

1. Member States shall if necessary, before 1 April 1975, amend their laws to conform with the provisions of this Directive and shall immediately inform the Commission.
2. The laws thus amended shall apply in accordance with the dates laid down in article 2.

However, Member States may permit up to 31 December 1976 the sale at retail stage of products which do not comply with the provisions of this Directive if it is established that these products had been manufactured before 1 July 1976.

Article 6

This Directive is addressed to the Member States.

EXPLANATORY NOTE

In accordance with the resolution adopted by the Council on 11 February 1975, the Commission hereby presents to the Council the measures which it considers appropriate to resolve the problems to which the presence of erucic acid in colza seed gives rise.

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL concerning the problemes presented by the presence of erucic acid in colza seeds.

- 1.- When adopting the agricultural prices for the marketing year 1975/76 on 11 February 1975, the Council adopted the following Resolution :

"The Council of Ministers of the Community notes the recommendations made by the Scientific Committee for Food in its opinion on colza oil issued on 16.12.1974. The Council considers that further research is necessary on long-chain fatty acids and fat oils used in human foodstuffs.

Pending the outcome of such research the Council nevertheless calls on the Commission, in a spirit of caution, to submit health proposals as soon as possible along the lines of the opinion of the Scientific Committee for Food to the effect that, where colza oil is used in food, preference should be given to colza oil having a low erucic acid content.

The Council also asks the Commission to investigate the advisability of modifying the organization of the market in oils and fats, so as to encourage colza producers to use varieties having a low erucic acid content, and to submit appropriate proposals before 1 July 1975.

- 2.- In accordance with this Resolution, the Commission presents to the Council a proposal for a directive, the draft of which is attached to this Communication, on the fixing of a maximum erucic acid content for oils and fats, and also for margarine, intended for human consumption.

This directive is scheduled to enter into force on 1 July 1976. The aim of the directive is to give practical effect to the Opinion of the Scientific Committee for Food. It applies to all oils and fats which may contain this acid. The proposed measures are not intended to prohibit the common practice of blending oils and fats which are to be consumed in an unaltered state or which are to be used in the manufacture of more complex foodstuffs of which fats or oils are ingredients or components (e.g., margarine), provided that the erucic acid content of the fat or oil contained in the product when ready for consumption does not exceed the prescribed limit. It is equally necessary to proceed gradually towards the limiting of the erucic acid content by fixing a maximum content beginning with the 1976/77 marketing year, taking into account the necessity to protect the consumers' interest.

These provisions are proposed as a precautionary measure pending the outcome of further studies which the Commission has in hand. The Scientific Committee on Food will be invited to consider the results of this work and also any other information becoming available in the interim as regards other oils and fats which may contain similar long-chain fatty acids likely to produce the same kind of effects.

For the sake of convenience, this draft directive is being kept separate from the discussion on the legislation relating to oils and fats in general and also to margarine. However, the proposed measures may be incorporated in the text of the legislation relating to those products.

- 3.- The Commission considers that the directive on oils and fats will encourage producers to use varieties of colza seeds with a low erucic acid content. More than 90% of the colza oil used in the Community are used in foodstuffs and the limit imposed by the directive will make it more difficult to dispose of colza seeds with a high acid content on the market in oils for human consumption. However, the directive does not seemⁱⁿ itself a sufficient factor to bring about a general conversion of producers to the new varieties.
- 4.- During the discussions held in the Council, it was suggested that the subsidy on colza seeds with a high erucic acid content should be abolished or differentiated. Such a measure cannot be contemplated, for there is a specific demand from the chemical industry for colza seeds with a high erucic acid content and this industry must be allowed to obtain the basic material which it requires within the Community.
This specific demand is for between 80 000 and 120 000 metric tons of colza seeds. Furthermore, a differentiated subsidy according to the erucic acid content would present difficult problems of control.
In order to encourage producers to use the new varieties, the Commission proposes that, from the marketing year 1976/77, intervention should apply only to colza seeds not exceeding an erucic acid content to be determined, and that a guarantee should be given to the producers of colza with a high erucic acid content by means of the conclusion of contracts between producers and the processing industries concerned. The resulting amendment to the rules, which in no way detracts from the overall guarantee given to Community producers of colza, will be adopted in accordance with the procedure contained in Article 38 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats, i.e., in accordance with the procedure of the Management Committee for Oils and Fats.
- 5.- Producers of colza seeds in some Member States have been led by circumstances not to await the Community measures before beginning to convert their crops of colza and use varieties with a low erucic acid content. This is true of France, where producers changed varieties when sowing the crops in autumn 1973 and of Germany and the United Kingdom, where the same operation took place in autumn 1974. Although the change was only partial in the three cases and the old and new

varieties were often mixed, the Commission is nevertheless pleased at the voluntary effort by producers to follow the guideline laid down by the Community, an effort which is all the more praiseworthy in that, when a new crop is substituted for a conventional crop, difficult technical problems often occur which until overcome can lead to disappointing yields and revenue.

The Commission has in fact been informed that the new varieties have a yield per hectare and an oil content which is lower than those of the conventional varieties.

Responsibility for the decrease in yield per hectare which was recorded in France last year and which, according to the surveys carried out on the spot, seems likely to occur this year, particularly in Germany, should not be attributed entirely to the new varieties, since bad weather and technical difficulties may have played an important part.

In these circumstances the Commission provisionally considers that the problem which a possible reduction in yield per hectare may present to producers cannot be solved in the context of the organization of the market.

The Commission therefore wonders whether some steps could perhaps be taken to help producers to overcome the technical problems presented by the new varieties of colza.

Experience has shown, however, that the new varieties of colza have a lower oil content. For 1975/76, the new varieties represent two-thirds of the Community production of colza. In these circumstances, and in view of the effort by producers, the Commission feels that there is justification for taking into account the effect upon producers' income of the lower oil content of the new varieties. Although the prices of the marketing year 1975/76 have already been fixed by the Council and although those prices are based on the standard quality (2% impurities, 9% moisture content and 42% oil), the Commission considers that the circumstances justify an amendment to the Council decision, namely the changing of the oil content of the standard quality from 42 to 40%. This decision must be taken in time to enter into force on 1 July 1975.

In view of the urgency of the problem, the Commission has decided to attach to this Communication a draft proposal for a regulation amending Council Regulation (EEC) No 657/75 fixing the target prices and basic intervention prices for oil seeds for the 1975/76 marketing year.

Furthermore, to prevent the benefits resulting from the amendment of the standard quality from devolving entirely upon producers of colza with a high erucic acid content, the Commission intends to adopt, under the Management Committee procedure, a provision whereby there would be no price increase for colza seeds which had an oil content between 40 and 42% and which was put up for intervention during the marketing year 1975/76.

In the light of experience in the marketing year 1975/76, the Commission reserves the right to propose any necessary amendments to the organization of the market in order to ensure that the objectives set by the Council in its Resolution of 11 February 1975 are fully attained.

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proposal for a
REGULATION (EEC) No/75 OF THE COUNCIL

amending Regulation (EEC) No 657/75 on the standard quality for colza and rape seed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to Council Regulation No 136/66/EEC⁽¹⁾ of 22 September 1966 on the establishment of a common organization of the market in oils and fats, as last amended by Regulation (EEC) No 1707/73⁽²⁾, and in particular the third subparagraph of Article 22 (1) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Council Regulation (EEC) No 657/75⁽³⁾ of 4 March 1975 fixing the target prices and basic intervention prices for oil seeds for the 1975/76 marketing year laid down in Article 2 thereof the standard quantities for which these prices are fixed;

Whereas it appears that, due to the usage of new varieties of colza which have a low erucic acid content, the average quality of colza seed will be lower than the average quality of previous harvests; whereas, in particular with regard to the oil content, this difference would cause a loss to the producers; whereas to avoid this disadvantage the standard quality of colza and rapeseed should be adapted,

HAS ADOPTED THIS REGULATION :

(1) OJ No 172, 30.9.1966, p. 3025/66

(2) OJ No L 175, 29.6.1973, p. 5

(3) OJ No L 72, 20.3.1975, p. 3

- - Article 1

With effect from 1 July 1975, the text of Article 2 (a) of Regulation (EEC) No 657/75 shall be replaced by the following text :

"a) with an impurity content of 2% and, for seeds as such, a humidity and oil content of 9% and 40% respectively in the case of colza and rape seeds."

Article 2

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

FICHE FINANCIÈRE

Date : 12.6.1975

1. Ligne budgétaire concernée :
Art. 633 Interventions graines oléagineuses (aide production)

2. Intitulé de l'action :
Projet de règlement du Conseil modifiant le règlement (CEE) n° 657/75 en ce qui concerne la qualité type des graines de colza et de navette.

3. Base juridique :
Résolution du Conseil du 11.2.1975

4. Objectifs de l'action :
Incitation aux producteurs à ne plus utiliser les anciennes variétés de colza à forte teneur en acide érucique.

5.0 Coût de l'action :	pendant la campagne	exercice en cours (1975)	exercice suivant (1976)
à la charge du Budget de la CE	5,25 mio UC	2,5 mio UC	2,75 mio UC
à la charge des adm. nationales	-	-	-
à la charge d'autres secteurs nationaux	-	-	-

5.1 échéances pluriannuelles :	année 1976	année 1977	année 1978
	5,3 mio UC	5,3 mio UC	5,3 mio UC

5.2 Mode de calcul

Le changement de la qualité type a pour effet d'augmenter l'aide pour les graines de colza et de navette de 0,525 UC/100 kg.
Sur une récolte de 1,1 mio tonnes, la dépense supplémentaire sera de 5,25 mio UC.

6.1 Financement possible par crédits inscrits au chapitre concerné dans le Budget en cours d'exécution OUI* NON

6.2 Financement possible par virement entre chapitres du Budget en cours d'exécution OUI NON

6.3 Nécessité d'un Budget supplémentaire OUI NON

6.4 Crédits à inscrire dans les budgets futurs OUI

Observations : * Les dépenses qui résultent des propositions sont donc de nature à pouvoir être financées moyennant les crédits disponibles pour 1975.
Elles concernent le poste suivant :

poste	Crédits 1975	Avances 1.1-30.6.75	Dépenses 1974
633 aide à la production	70.000.000 (1)	2.036.000	10.263.000

(1) Il est à noter que dans le cadre de l'incidence financière des propositions de prix il a été tenu compte d'une économie au titre de la conjoncture de 30 mio UC (doc. COM(74) 2001, p. 57)

