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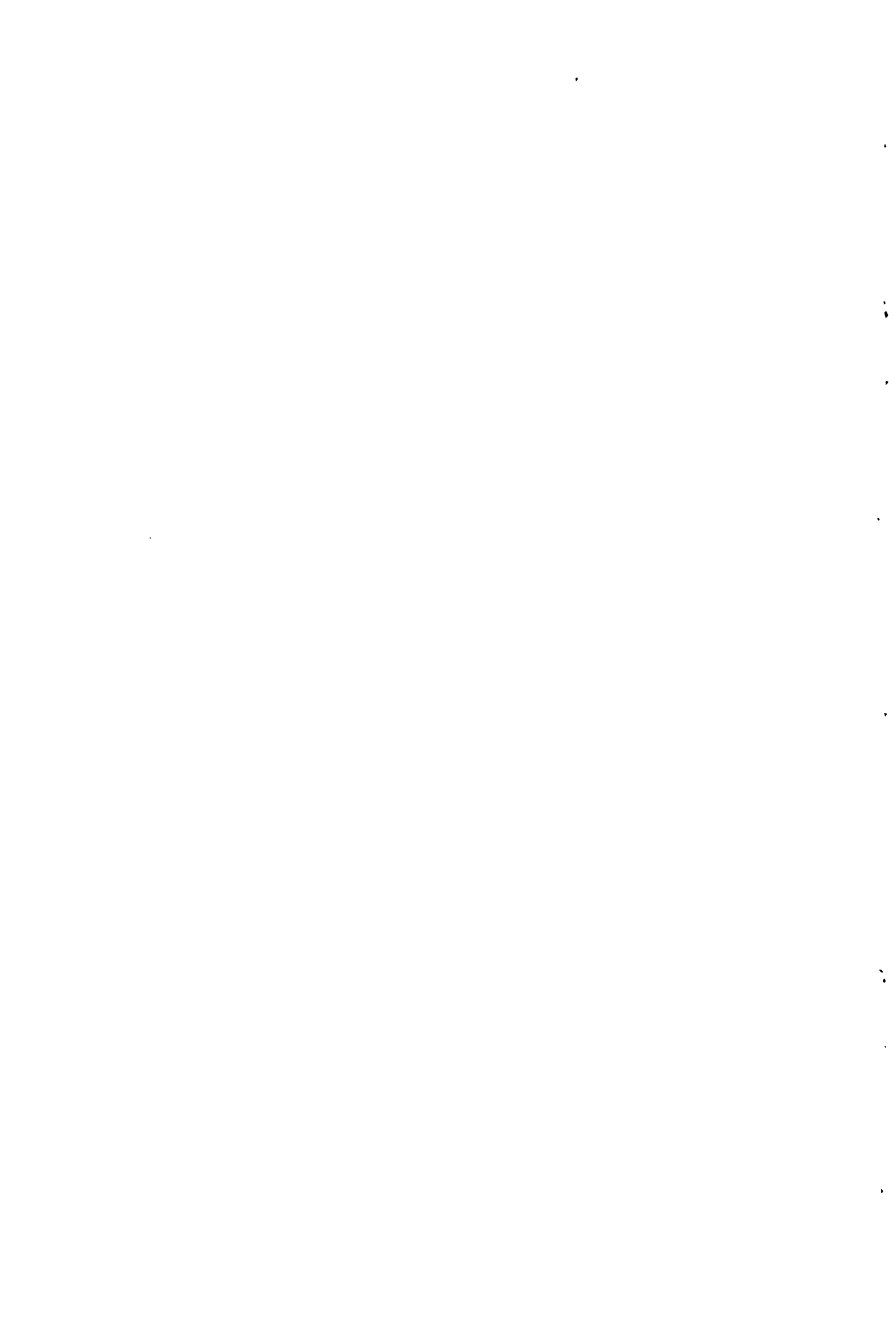
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Report

drawn up on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the Council (Doc. 185/75/I) for a directive fixing the maximum level of erucic acid in fats and oils and margarine for food

Rapporteur : Mrs E. ORTH



By letter of 4 July 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive fixing the maximum level of erucic acid in fats and oils and margarine for food.

The President of the European Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible.

On 1 October 1975 it appointed Mrs Orth rapporteur.

It considered this proposal at its meetings of 1 and 21 October 1975.

At its meeting of 21 October 1975 the committee unanimously adopted the motion for a resolution and explanatory statement

Present: Mr Della Briotta, chairman; Mrs Orth, rapporteur; Lord Bethell, Mr Duval, Mr Didier, Mr Evans, Lady Fisher of Rednal, Mr Marras (deputizing for Mr Hartog), Mr Willi Müller, Mr Noe', Mr Rosati, Mr Springorum and Mr Vandewiele (deputizing for Mr Martens)

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
Proposal for a directive	
B. EXPLANATORY STATEMENT	8
I. General considerations	8
II. Detailed consideration of the proposal for a directive	10

A

The Committee on Public Health and the Environment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive fixing the maximum level of erucic acid in fats and oils and margarine for food

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 185/75, Part I);
 - having regard to the report by the Committee on Public Health and the Environment (Doc. 327/75);
1. Approves in principle the Commission's proposal for a directive, partly on the basis of the recommendations of the Scientific Committee for Food consulted by the Commission;
 2. Calls on the Commission, nevertheless, to undertake further research on oils and fats containing long-chain fatty acids, other than rapeseed oil, and in particular to carry on vigorously with investigations into the effects of the consumption of these oils and fats on human health;
 3. Considers it advisable, in the light of scientific findings on the one hand and technological possibilities on the other, to reduce the maximum permitted erucic acid content in oil and fats used in food to 5% in the foreseeable future;
 4. Requests the Commission to incorporate, pursuant to the second paragraph of Article 149 of the EEC Treaty, the following amendments into its proposal;
 5. Requests the committee responsible to ascertain whether the Commission of the European Communities changes its proposal in accordance with the European Parliament's amendments, and in such event to report back to it.

¹OJ No. C 150, 5 .7.1975, p. 5

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

Preamble and recitals unchanged

Articles 1 and 2 unchanged

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 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, not later than the date of entry into force of the directive, in accordance with the procedure laid down in Article 4.

¹See OJ No. C 150 of 5. 7.1975, page 5 for full text

Article 4

Article 4

Paras. 1 and 2 unchanged

- 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.

3. The Commission shall adopt measures which shall be implemented at once.

Where, however, they are not in accordance with the opinion of the committee, the Commission shall immediately notify them to the Council. In that case, the Commission may delay the application of the measures it has adopted for up to one month after the Council has been notified. The Council, acting by a qualified majority, may adopt a different decision within one month.

Article 5

Article 5

Para. 1 unchanged

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.

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 April 1976.

Article 6 unchanged

EXPLANATORY STATEMENTI. General considerations

1. The important problem of the effects on human health of the processing of fats and oils containing erucic acid and used in foodstuffs was first raised in Written Question No. 40/72 by Mr VREDELING of 18 April 1972¹. Euro-Coop, the organization for the cooperation of Community consumer cooperatives, had made an urgent appeal to the Commission at that time to adopt no measures encouraging the production of rapeseed oil until it had been definitely established that its consumption was not hazardous to human health. Euro-Coop entertained doubts about erucic acid, the long-chain (22 or more atoms) fatty acid which had been found in the oils of the seed of cruciferous plants, i.e. in rapeseed, colza and mustardseed (brown mustard) oils.

2. Mr VREDELING asked, among other things, whether

- the Commission felt that the investigation of the effects of the processing of rapeseed oils in food should be intensified as a matter of priority;
- the Commission considered 6.5% erucic acid represented a maximum safe level;
- there were good prospects for the cultivation of rapeseed varieties virtually free from erucic acid.

The Commission replied that

- further studies were being carried out in different countries on the effects of the processing of rapeseed oils in food;
- it was not in a position to comment on the question of the fixing of a maximum level of erucic acid on the basis of the then available scientific knowledge;
- it would soon be possible, thanks to the work carried out by one of the Member States, to make available varieties of rapeseed virtually free from erucic acid.

3. Three years after the Commission made this reply, Parliament was consulted on this proposal for a directive, intended to fix the maximum level of erucic acid in edible fats. In the explanatory note to this proposal, the Commission

¹OJ No. C 73, 7.7.1972, p. 4

points out that the Scientific Committee for Food, from which it had asked an expert opinion, 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. The committee also recommended that, as the effects reported for rapeseed may not be unique to this type of oil, further research on long-chain fatty acids and on oils and fats used in food was necessary.

4. With this proposal for a directive, the Commission has drawn the practical conclusions from this expert opinion. It has thus met the Council's request of 11 February 1975 to submit to it as soon as possible 'proposals along the lines of the opinion of the Scientific Committee for Food to the effect that, where rapeseed oil is used in food, preference should be given to varieties with a low erucic acid content'. The Commission states that it has proposed these measures 'as a matter of prudence' until the further research it has already put into operation in this field has been completed. It is pointed out in the recitals to the proposal for a directive that the intake of large quantities of rapeseed oil by experimental animals has produced undesirable effects. It has not yet been finally demonstrated, however, that these effects apply to man¹.

The Committee on Public Health and the Environment supports the Commission's initiative, which it describes as a precautionary measure. It has always been of the opinion, when considering Commission proposals relating to food, that the onus of proof rests with the producer or manufacturer. This implies in this case that it must be proven that the undesirable effects observed in experimental animals do not occur in man. The fixing of a maximum level of erucic acid in edible fats therefore seems necessary in the interests of human health.

5. In the second sentence of paragraph 4 of the explanatory note, it is 'envisaged' that the Scientific Committee for Food will be requested to examine the results of the Commission's research and any other data which become available in the meantime on other oils and fats which may contain long-chain fatty acids possibly giving rise to the same kind of effect. Such additional research was recommended by the Scientific Committee for Food.

The committee calls on the Commission, in view of the urgency of the matter, to assign this task to the Scientific Committee for Food without delay. It hopes that the final results of research in this sector will be available in the foreseeable future.

¹The Dutch text should read as follows: '... , maar dat niet volledig is aangetoond dat deze effecten ook bij de mens kunnen optreden'.

II. Detailed consideration of the proposal for a directive

6. Article 1 lays down the field of application of the directive. It applies to fats and oils and their mixtures and to margarine, which

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

Your committee felt that the words 'and to margarine' were superfluous, since margarine must be classified as a fat (vegetable or animal fats or a mixture of the two). It therefore considered that these three words should be deleted.

The representative of the Commission stated that margarine was not a pure fat but a mixture of fat and other substances. It must therefore be mentioned specifically in order to define the precise field of application of the directive. After this explanation, your committee voted in favour of retaining the Commission's text for Article 1.

7. According to Article 2, the level of erucic acid in fats and oils, calculated on the total level of fatty acids in the fat component, shall not be greater than:

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

Your committee wondered why the Commission confined itself to reducing the maximum permissible level of erucic acid to only 10%. The report of the Scientific Committee for Food, on which the Commission bases its proposal for a directive, does not state that oils and fats which contain 10% erucic acid (calculated on the total level of fatty acids in the fat component) are not harmful to human health. In point of fact, the investigations conducted by the Scientific Committee for Food were concerned with rapeseed oil with a high erucic acid content on the one hand and rapeseed oil with an erucic acid content of 5% or less on the other. Only in the latter case does the report of the Scientific Committee for Food state that rapeseed oils 'have no inhibiting effect on animal growth, and their effects on the heart would appear to be less than in the case of rapeseed oil having a high erucic acid content'.

It should also be noted in this connection that, three years ago - as can be seen from the written question by Mr VREDELING referred to in paras. 1 and 2 of this explanatory statement - the fixing of a maximum erucic acid level of 6.5% was under consideration.

Your committee points out that the conversion of rapeseed cultivation to varieties having a very low erucic acid content (5% or less) presents no technological difficulties. Conversions of this kind have already largely taken place in France, Germany and the United Kingdom. It appears advisable that

- these conversions should be financed out of Community funds for a limited period;
- the maximum permissible level of erucic acid should, in the near future, be reduced further than laid down in the proposal for a directive, with the goal set at a maximum permissible erucic acid content of 5%.

8. Article 3 lays down that the sampling procedures and methods of analysis for the determination of the level of erucic acid in oils and fats shall be determined in accordance with the procedure involving the Standing Committee on Foodstuffs set up in November 1969.

Since these are technical implementing measures, your committee, with a view to simplifying and speeding up this procedure, approves the provision. Nevertheless, in line with its position on similar cases in the past, it urges that the sampling procedures and methods of analysis provided for should be determined not later than the date on which the proposal enters into force, i.e. 1 July 1976.

It is after all essential that the application of the directive should from the outset be as effective and complete as possible. Article 3 should therefore be amplified as follows:

'... shall be determined, not later than the date of entry into force of the directive, in accordance with ...'

9. Article 4 lays down the working procedures of the Standing Committee on Foodstuffs. Your committee, in line with the positions adopted in the past by the European Parliament on the institutional aspect of this problem, calls for the usual modifications to the working procedure.

10. Article 5(1) requires the Member States to amend their laws to conform with the provisions of the directive by 1 April 1976, and to inform the Commission immediately.

Your committee considers this period reasonable and agrees to it.

Article 5(2) begins by referring to the dates of application laid down in Article 2:

- 15% maximum erucic acid content from 1 July 1976,
- 10% maximum erucic acid content from 1 July 1977.

It also contains an exceptional provision under which the Member States may permit, up to 31 December 1976, the sale at retail stage of products having a higher erucic acid content where they were demonstrably manufactured before 1 July 1976.

This exception does not appear logical. Manufacturers ~~are~~ already aware that the Community intends to limit the erucic acid content of edible oils and fats. They will learn of it whatever happens through the amended laws of the Member States by 1 April 1976 at the latest.

There does not therefore appear to be any sense in permitting the manufacture of products which conflict with the provisions of the directive for a further three months after the entry into force of the amended directive.

In saying this, the committee is not in principle opposing a transitional arrangement to permit manufacturers to market their old stocks of edible fats and oils under the previously applicable conditions. However, the priority which must be given to protecting consumer health requires that this transitional arrangement, which may last until the end of 1976 should be applied only to products demonstrably manufactured before 1 April 1976.

The second sentence of Article 5(2) should therefore be amended accordingly.

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