4/46.63(Preservatives)

European Communities

EUROPEAN PARLIAMENT

Working Documents

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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. 114/73) for a directive on a ninth amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

Rapporteur: Mr L. MARTENS

PE 33.813/fin.

1.2.2

English Edition

By letter of 21 June 1973 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal of the Commission of the European Communities to the Council for a directive on a ninth amendment to the directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption.

On 3 July 1973 Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Committee on Agriculture for its opinion.

On 10 July 1973 the Committee on Public Health and the Environment appointed Mr Martens rapporteur.

It discussed the proposal at its meetings of 10 July, 12 September and 8 October 1973.

On 8 October 1973 the committee adopted the motion for a resolution and the explanatory statement unanimously, with one abstention.

The following were present: Mr Della Briotta, Chairman; Mr Jahn and Mr Scott-Hopkins, Vice-Chairmen; Mr Martens, rapporteur; Mr Brégégère, Mr Christensen, Mr D'Angelosante, Mr Duval, Mr Eisma, Mr Lagorce, Mr Müller, Mr Noè, Mr Premoli, Mr Vernaschi.

The opinion of the Committee on Agriculture is attached.

C O N T E N T S

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 on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council , (Doc. COM(73) 797 fin.),
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc.114/73),
- having regard to the report of the Committee on Public Health and the Environment and the opinion of the Committee on Agriculture (Doc.201/73),

1. Approves the proposal for a directive in principle, since the Commission's recommendation that these preservatives be authorized, which is based on statements by experts on the Scientific Committee on Foodstuffs and on the results of years of experiments on animals, takes the safety factor into account;

2. Makes its approval to the proposal for a directive subject to the condition that, when new authorized preservatives are used, an indication to this effect will be mandatory, and at the same time urges the Commission to make such indication mandatory for the preservatives authorized earlier;

3. Regrets that the proposal does not take into account the cumulative effect produced by the simultaneous use of boric acid or borax and hexamethylene-tetramine, and therefore asks the Commission to make the necessary additions to the conditions of use;

4. Considers that the Commission should make suitable proposals for the continuation of current research and investigation into improved silage systems and methods of feeding cows on silage fodder, so that hexamethylene-tetramine for preserving the Italian 'Provolone' and 'Grana padano' cheeses can shortly be dispensed with;

5. Stresses that the so-called review clause concerning boric acid and borax (see the proposed amendment inserting a new Article 1a) must be made binding on the Council and the Commission and that the European Parliament must be consulted before the 1976 review;

6. Is in favour of reducing the acceptable daily intake of hexamethylene-tetramine to 0.15 mg/kg;

7. Stresses the need to limit severely the transitional period during which, notwithstanding the policy of approximating legislation, certain national laws may be retained;

8. Urges the Commission and the Council to proceed immediately with the second stage in the approximation of the laws of Member States concerning preservatives as intended by the Basic Directive of 1963, and to press ahead with all possible speed to its final completion;

9. Considers it fundamental that new findings, which may allow certain preservatives to be replaced by other less harmful substances, should be reflected immediately in the Community legislation, and therefore considers it essential for the Commission departments concerned to keep scientific research and technological developments in the field of preservatives under constant review;

10. Considers it essential for the protection of public health for the Commission and the Council to draw up as soon as possible the conditions which food manufacturers in the Community will be required to comply with;

11. Asks the Commission to incorporate the attached amendments in its proposal, pursuant to the second paragraph of Article 149 of the EEC Treaty;

12. Asks its appropriate committee to check carefully whether the Commission of the European Communities incorporates the amendments proposed by the European Parliament and to report back to it if necessary;

13. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES[1]	AMENDED TEXT

PROPOSAL

to the Commission of the European Communities

to the Council

for

a directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

Preamble and Explanatory Statement

unchanged

Article 1	Article 1
The Council Directive of 5 November 1963 on the approximation of the laws of the Member States concerning preservatives authorized for use in foodstuffs intended for human comsumption, as last amended by the Council Directive of 20 December 1971, is amended as follows :	unchanged
1. The following article is inserted after Article 1 :	1. The following article is inserted after Article 1 :
'Article 1 a Before 1 July 1976 and following a review by the Commission, the Council acting in accordance with Article 100 of the Treaty, may decide to delete the products specified in the Annex under Nos. E 240 and E 241 or to make any other amendment to the provisions governing them'	'Article 1 a Before 1 July 1976, following a review by the Commission and after consulting the European Parliament, the Council, acting in accordance with Article 100 of the Treaty, shall decide to maintain or delete the products specified in the annex under Nos. E 240 and E 241 or to make any other amendment to the provisions governing them.'

[1] For complete text see COM(73) 797 fin.

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES	AMENDED TEXT

2. Article 5 is amended as follows:

'Article 5	Article 5
By way of derogation from Article 2(1), the Member States may until 30 June 1976 maintain in force the provisions of their national laws relating to the use of	unchanged
(a) formic acid and its salts in fruit juices intended for the production of syrups;	
(b) hexamethylene-tetramine in semi-preserved fishery products;	
(c) boric acid in egg products.	
3. The following preservatives are added in Section I of the Annex:	3. The following preservatives are added in Section I of the Annex:

EEC-No. E 236 - E 239 unchanged

EEC-No.	Name	Conditions of use
E 240	Boric acid	(a) Solely in caviar
E 241	Sodium-tetra-borate (Borax)	(b) When the product is marketed the content in these substances, expressed as boric acid, must not exceed 4 g/kg of caviar.

EEC-No.	Name	Conditions of use
E 240	Boric acid	(a) except in caviar, additional treatment with product E 239 is prohibited
E 241	Sodium-tetra-borate (Borax)	(b) When the product is marketed the content in these substances, expressed as boric acid, must not exceed 4 g/kg of caviar.

Articles 2 and 3 unchanged

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EXPLANATORY STATEMENT

I. General considerations

1. The purpose of this proposal for an amendment by the Commission is to authorize, as from 1 January 1974, the use throughout the Community, of the following preservatives in foodstuffs intended for human consumption, subject to certain conditions of use:

- formic acid and its salts
- boric acid and its salts
- hexamethylene-tetramine

It was originally planned to ban these substances throughout the Community. Under Article 5(a) of the Council Directive of 5 November 1963 on the approximation of the laws of the Member States concerning preservatives authorized for use in foodstuffs intended for human consumption[1] - hereinafter termed 'Basic Directive' - Member States are empowered to maintain national legislation on the use of the said preservatives for a further transitional period of three years following notification of the directive.

2. As long ago as 1963 the Committee on Social Affairs and Health Protection of the European Parliament commented on the transitional period[2] as follows: 'The Committee rejects as contrary to the proposed directive, the regulation under which certain preservatives open to doubt in medical circles, are authorized on economic grounds in individual Member States for a transitional period of three years, and stresses that public health protection must take precedence over economic considerations.'

The Committee on Agriculture, as the committee responsible, then proposed that this period should be reduced to two years on the grounds[3] that 'it is natural that industry should be allowed a certain period for phasing out a limited number of specific preservatives which are to be banned in the future (Article 5).

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1 OJ 12, 27.1.1964, p. 161-164

2 See report by Mrs STROBEL, Doc. 37/63, p. 4

3 See report, section 11

Your Committee considers, however, that a period of two years takes sufficient account of economic considerations in certain Member States.

Notwithstanding the clear stand thus taken by the responsible Committees of the European Parliament, not only was the three-year transitional period not reduced, but on the suggestion of the Commission, it was extended by the Council for a further seven years to 31 December 1973, making some ten years in all. This extension, which was based on Article 100 of the EEC Treaty, was put into effect without the European Parliament being consulted. Early in 1973, Mr JAHN addressed two written questions, one to the Commission and one to the Council (No. 623/72 and 624/72) on this subject, which were answered to the effect that it was not formally necessary for the European Parliament to be consulted and that 'given the limited nature and scope of these two Directives there did not appear to be any justification for the Council to exercise the option of consultation'.[1]

3. On expiry of the ten-year transitional period on 1 January 1974[2], the ban on the use of these products would have to become effective.

As stated in paragraph 1, sub-paragraph 2, of the explanatory memorandum, however, the Commission regarded the arrangements in question as merely temporary, 'for their purpose was to permit the acquisition of certain scientific and technological knowledge regarding the various preservatives in question with a view to the possible authorization of their general use throughout the Community'.

Under the present proposal for an amendment, formic acid and its salts, boric acid and its salts and hexamethylene-tetramine would now be definitively included in the list of preservatives authorized throughout the Community (annex to the basic directive), boric acid and borax being subject to a review clause.

4. As requested by your Committee on 12 September 1973, your rapporteur has discussed the problems arising from the Commission's proposal for an amendment with a representative of the Commission.

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[1] OJ No. C 57 of 17.7.1973, p.8, and No. C 64 of 6.8.1973, p.2.

[2] In paragraph 1 of the explanatory statement the Commission is in error when it states that the ban on the use of the said substances will take effect on 1.1.1973. It has forgotten that under the Council Directive of 26.12. 1972 for an eighth amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption (see OJL298, 31.12.1972, p.48), the use of the said products is banned only as from 1.1.1974.

The following points emerged from this discussion:

- The Commission of the European Communities bases its proposals largely on the results of deliberations of the Scientific Committee on Foodstuffs. This body is composed of experts from the national ministries responsible for health, and academics (mainly doctors and pharmacologists).

- These scientists base their statements and their recommendations for maximum allowable intake on experiments on rats, cats and dogs. Since - partly because of differences in body weight - it cannot be automatically assumed from the results of these experiments that these substances are harmless to humans, very wide safety margins [1] have been allowed in the specifications for maximum permissible levels.

- Another important point is that the preservatives in question may be added only according to very stringent and narrowly defined conditions of use (cf. Annex to the proposal for a directive, column 3).

- The foodstuffs to which the conditions of use refer are largely specialities found in only one or two Member States and which could not continue to be produced in their traditional form if the use of these preservatives was prohibited.

II. Consideration of the individual provisions of the proposed directive

5. The definitive inclusion of formic acid (EEC No. N 236) and its salts (sodium formate - EEC No. E 237 and calcium formate - EEC No. E 238) is explained by the Commission as follows:

On the basis of an examination by the Joint FAO/WHO Committee of Experts on Food Additives in 1961 and 1964, a conditional acceptable daily intake (ADI) of 5 mg/kg by weight was attributed to formic acid. The Scientific Committee on Foodstuffs approved the insertion of formic acid and its salts on the conditions laid down in the Commission's proposal.

From a technological point of view, the use of formic acid and its salts is necessary in certain semi-preserved fishery products and vegetables in vinegar, for none of the preservatives authorized hitherto can give adequate protection against microbial deterioration. Moreover, the use of formic acid and formates in place of sulphur dioxide and its derivatives is of particular interest for the preservation of certain basic preparations intended for the production of non-alcoholic beverages in which the SO_2 content must be reduced in view of the large quantities consumed by children.

[1] Thus a safety factor of 100 is generally chosen, i.e. one hundredth only of the quantity shown to be harmless in experiments on animals.

The maximum permissible quantities provided for in this proposal for formic acid and its salts (1g/kg for processed fish, fish eggs and vegetables in vinegar, 0.3g/kg for semi-preserved products, 10 mg/l for non-alcoholic beverages) represent only a very low proportion of the allowable daily intake of formic acid (5 mg/kg by weight).

Your Committee has come to the conclusion that these arguments are valid and thus approves authorization of the use of formic acid and its salts as preservatives for foodstuffs intended for human consumption.

6. The justification given by the Commission for its proposed definitive authorization of hexamethylene-tetramine (EEC No. E 239) may be summarized as follows:

In 1971, the Joint FAO/WHO Committee of Experts on Food Additives fixed the allowable daily intake of hexamethylene-tetramine provisionally at 5mg/kg by weight. While the Scientific Committee on Foodstuffs, in January 1972, approved the use of hexamethylene-tetramine under the conditions laid down in the Commission proposal, it did not rule out the possibility that, on the strength of more recent findings, the allowable daily intake of hexamethylene-tetramine might have to be reduced to only 0.15mg/kg.

The use of hexamethylene-tetramine is essential in the production of 'Provolone' and 'Grana padano' cheeses prepared from the milk of cows fed on silage fodder. Here a phenomenon known as 'tympanites' occurs, consisting of a swelling of the cheese, caused by the action of a clostridium and making the cheese unfit for consumption. The use of hexamethylene-tetramine can prevent such deterioration.

7. From recent tests 'it seems possible' (as the Commission cautiously puts it) to use hexamethylene-tetramine for preserving caviar (and other fish eggs). So far, caviar has been treated in producer countries with formic acid and formates, substances which are apparently considerably more harmful than hexamethylene-tetramine. The Commission would therefore like to encourage these tests by approving hexamethylene-tetramine for preserving caviar.

Your Committee regrets that the cumulative effect produced by the simultaneous use of hexamethylene-tetramine and boric acid or borax was covered only in section (a)ii on the conditions of use of hexamethylene-tetramine. Logically, provision should also be made to restrict the use of boric acid and borax by banning additional treatment with hexamethylene-tetramine. This would be not only logical but also justified on the grounds that, as the Scientific Committee on Foodstuffs explicitly stated in a report of 1968, 'boric acid is particularly harmful in its cumulative effect'. The Commission is therefore asked to complete its proposal accordingly.

8. The maximum permissible quantities specified in the proposal for hexamethylene-tetramine (25 mg/kg for Provolone, 5 mg/kg for Grana padano, 1 g/kg for caviar and other fish eggs) constitute, according to the Commission a very low percentage of the acceptable daily intake even if the latter is taken as only 0.15 mg per kg of body weight.

Your committee accepts in principle the Commission's proposal to authorize hexamethylene-tetramine, but cannot accept its approval of the two Italian cheeses as definitive. It should be possible to improve silage systems and methods of feeding cows on silage fodder, so that cheese from these cows no longer requires treatment with hexamethylene-tetramine. The Commission is therefore asked to draw up appropriate proposals for the continuation of current research and investigation into improved silage systems.

9. In recommending acceptance of boric acid (EEC No. E 240) and its salts (EEC No.E241) as preservatives for caviar, the Commission argues that since 1963 research has been going on in several countries on the development of a preservation process for caviar not using boric acid but nothing conclusive has yet been found.

The Commission proposes that the Council may decide by 1 July 1976 to delete boric acid and borax from the list of authorized preservatives or to make any other change in the legal situation. Through this review clause, which, it must be said, has absolutely no binding force[1], the Commission is seeking to encourage further research into a replacement product for borax. According to the Commission, this might be hexamethylene-tetramine associated with benzoic acid[2].

The Scientific Committee, to which the matter was referred in 1967 and 1972, raised no objection to temporary authorization of the use of boric acid in 'genuine' caviar. It considered that cariar was a luxury product consumed only in small quantities at irregular intervals. It felt that the quantity absorbed by caviar consumers could be assumed to be 200g per annum or less and that children did not eat caviar. The maximum boric content in caviar being 0.4%, the total annual intake is less than 1g.

10. Your Committee can approve the Commission's proposal on boric acid and borax on condition that the so-called review clause is amended. Section II, paragraph 3, of the explanatory memorandum states that 'it should be stressed that boric acid is being allowed only temporarily'. The third last recital states: 'whereas the situation must be reviewed after a certain time in the light of current tests on the products which may be substituted for boric acid and borax.' If, however, the text of the Commission proposal for an amendment (Insertion of a new article 1a in the basic directives) is looked

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[1] See section 10 of this report

[2] See section 7 of this report

at more closely, it is obvious that this provision has absolutely no binding force. It reads as follows: 'After 1 July 1976 and following a review by the Commission, the Council, acting in accordance with Article 100 of the Treaty, may decide to delete the products specified in the Annex and Nos. E240 and E241 or to make any other amendment to the provisions governing them.' In other words the Council is in no way committed to discuss a change in the situation. It need not - either before 1 July 1976 or after - review the situation, but it may do so if it considers it necessary. If past experience is any guide, the Council will hardly concern itself with this matter, in any event not before 1 July 1976. Moreover, there is no guarantee that the Commission will actually undertake the review provided for in the new article 1a. It is, in any event, not bound to do so under its proposed text.

Finally, it is not clearly stated in the Commission's proposal that the European Parliament will be consulted on this important decision. In the opinion of your committee this should be expressly stated in Article 1(a).

For all these reasons Article 1a should be so worded that Council and Commission are faced with a genuine and unavoidable commitment. Your Committee urges that the Commission amend Article 1a to read as follows: 'Before 1 July 1976, following a review by the Commission and after consulting the European Parliament, the Council, acting in accordance with Article 100 of the Treaty, shall decide to maintain or delete the product specified in the annex under Nos. E240 and E241 or to make any other amendment to the provisions governing them.'

11. The basic objection of your Committee is that the Commission has made no provision for mandatory indication of the new preservatives (formid acid, hexamethylene-tetramine and boric acid) which it has proposed should be authorized. Your committee makes its approval subject to the condition that when the new authorized preservatives are used, an indication to this effect will be mandatory. Only in this way can the consumer know what preservatives his foodstuffs contain and, if necessary, be given appropriate warning. It should not be forgotten that consumers do not have the same capacity to tolerate additives in foodstuffs, for the functioning of the human organism varies from one individual to another.

The objection that might be raised by the Commission, namely that the basic directive does not make it mandatory, either, to indicate the use of preservatives, does not appear valid. It is time to introduce the requirement to indicate the preservatives contained in products, including those authorised for use in the basic directive. Your committee has therefore included this requirement in the resolution.

12. The Commission raises another problem in its proposed amendment of Article 5 of the basic directive. Article 5 (a) of the basic directive provides for the maintenance of the national legislation governing the preservatives in question for a further period of three years. This period was - as already mentioned several times - extended to a total of ten years. Not content with this, the Commission now proposes a further transitional period of three years (up to 30 June 1976) for the maintenance of national laws, relating to the use of:

a) formic acid and its salts in fruit juices intended for the production of syrups,
b) hexamethylene-tetramine in semi-preserved fishery products,
c) boric acid in egg products.

The Commission explains this proposal as follows:

The national laws in question authorize certain uses which the Commission 'at the moment does not find it necessary to propose for the whole Community'.

The point here is that the Commission does not rule out a proposal on those lines at a later stage. The penultimate recital which follows reads somewhat differently: 'The laws of certain Member States still authorize the use of formic acid and its salts and of boric acid on terms other than those of this directive; whereas such laws are based on particular circumstances which will no longer obtain after a certain time, and a transitional period should be provided for so that the necessary adjustments may be made'.

13. Under German law, formic acid and its salts may also be used for preserving fruit juices - even if intended for the production of syrups. The Commission concedes that the use of formic acid is technologically no longer necessary owing to the introduction of deep-freeze techniques. It points out, however, that these techniques are not yet in general use in certain third countries exporting fruit juices. To allow traditional trade flows to be maintained, the Commission considers it necessary to authorize Germany to permit the marketing in its territory of fruit juices treated with formic acid and its salts, during a certain period 'until the countries of origin have converted their industrial processes'.

Your Committee doubts whether, after a ten-year transitional period, a further three years are needed. Furthermore, the Commission is by no means certain, as the wording of its explanatory memorandum indicates that the countries of origin will have converted their industrial processes by the date set (1 July 1976). Experience shows that transitional periods are

generally extended not just once, but often several times.

14. In Dutch law, hexamethylene-tetramine is permitted for the treatment of semi-preserved fishery products.

The Commission expects the present allowable daily intake of 5 mg/kg by weight, which is provisional, to be made definitive. But, according to section II (2) (a) sub-paragraph 2 of the explanatory memorandum, the Scientific Committee on Foodstuffs does not rule out the possibility that on the basis of recent studies, the allowable daily intake of hexamethylene-tetramine may be reduced to 0.15 mg/kg [1]. Your Committee would wish to see it so reduced in the near future.

The Commission believes, in any event, that the Community will in the future, authorize the use of hexamethylene-tetramine on a greater scale than hitherto, and therefore considers that it would be illogical to prohibit the Netherlands in the meantime from using hexamethylene-tetramine for the treat-

of semi-preserved fishery products. It must also be considered that these particular products are specialities marketed almost exclusively in the Netherlands and in future possibly in Denmark, too.

15. In Dutch law, boric acid is authorized for use in egg products.

As the Commission says in its explanatory memorandum, the addition of boric acid to egg products serves to prevent salmonella contamination. Industrial practice in the Netherlands does not allow this treatment to be replaced by other techniques such as deep-freezing or pasteurization. This is what makes a transitionalperiod necessary.

Your Committee stresses that this transitional period must be strictly adhered to and no extension must be allowed if approximation of laws governing foodstuffs is to be achieved.

16. Article 2 of the Commission proposal for an amendment provides that the Member States shall put into force not later than 1 January 1974 the measures necessary to comply with this directive and shall forthwith inform the Commission thereof. There is no objection to this deadline.

17. In addition to requesting under 11 above that, when any of the authorized preservatives are used, an indication to this effect should be mandatory, your committee also wishes to stress the following two problems, which seem to him very important:

(a) The final recital of the basic directive reads as follows[2]: 'during a second stage, the Council must decide on the approximation of laws concerning individual foodstuffs intended for human consumption to which the preservatives listed in the Annex to this Directive may be added, and on the conditions

[1] See section 6 (2) of this report
[2] OJ No. 12 of 27.1.1964, pp 162/64

governing the addition of such preservatives'. 10 years later this second stage has still not begun. Your Committee urges the Commission immediately to proceed to the second stage in the approximation of legislation, and to ensure that it is completed with greater despatch than the first stage establishing a list of authorized preservatives. This is the only way to prevent loopholes in the laws of Member States prejudicial both to the consumer and to industry and agriculture. Your Committee is not alone in urging such action. As long ago as 1967 the Scientific Committee in its working document stressed that in a second stage a list must be established of those foodstuffs for which the use of formic acid and its salts was authorized, as well as the amounts allowed in every case.

(b) Factories or other places producing foodstuffs or at least foodstuffs containing preservatives must, in the interests of public health, be required to apply for an official licence, as is already the case in some Member States. Your Committee considers that the Commission must, as a matter of urgency, submit proposals to the Council concerning the conditions and standards which food manufacturers would be required to conform to; and the Council, after consulting the European Parliament, must adopt these proposals so that they can be implemented throughout the Community. Similar licensing rules have been adopted with regard to slaughtering and should prove no less feasible in the case of food manufacture.

III. Consideration of the opinion of the Committee on Agriculture

18. Your committee has considered the opinion prepared by Mr Jakobsen on behalf of the Committee on Agriculture, annexed to the text of this report.

19. The Committee on Agriculture begins by repeating its earlier request that the approximation of the relevant legal and administrative provisions within the framework of the Community's agriculture and food policy should
(a) reflect the most recent scientific knowledge, and
(b) above all, protect man against health hazards.

Your committee agrees with the Committee on Agriculture that these two requirements must still apply if the use of additives is to be permitted not only in the individual Member States but also throughout the Community.

20. The Committee on Agriculture also bases its judgment of the proposal on the information provided by the Commission in cooperation with scientific bodies. This position, which your committee endorses, was stated in paragraph 1 of the resolution.

21. The Committee on Agriculture also asks that new findings which may allow certain preservatives to be replaced by other less harmful substances should be reflected immediately in Community legislation. It therefore considers it essential for the Commission departments concerned to keep scientific research and technological developments in the field of preservatives under constant review.

Your committee unreservedly endorses this request and has therefore included it in the resolution.

OPINION OF THE COMMITTEE ON AGRICULTURE

Draftsman: Mr E. JAKOBSEN

At its sitting of 3 July 1973 the European Parliament forwarded to the Committee on Agriculture for its opinion the proposal for a directive on a ninth amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption.

The Committee on Agriculture appointed Mr Jakobsen draftsman of the opinion on 12 September 1973.

It examined the draft opinion at its meeting of 10-11 October 1973 and adopted it unanimously.

The following were present: Mr Houdet, Chairman; Mr Jakobsen, draftsman of the opinion; Mr Baas, Mr Früh, Mr John Hill, Mr Hunault, Mr de Koning, Mr Laban, Mr Lefèbvre, Mr Liogier, Miss Lulling, Mr Martens.

1. On 24 June 1963, in a report drawn up by Mrs Strobel, the Committee on Agriculture, as the committee responsible, delivered its opinion on the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption. The Committee is now asked for its opinion on a ninth amendment to this Directive, for the attention of the Committee on Public Health and the Environment which has been appointed the committee responsible in this instance.

2. The purpose of the proposed directive is to extend to the Community as a whole authorization of the use of certain preservatives hitherto permitted only in some Member States for producing a number of specified foodstuffs. Its primary aim is to enable those products to be marketed and consumed throughout the Community by harmonizing the relevant laws of all Member States.

3. Unlike this proposal, the original directive banned the use of these preservatives throughout the Community after a transitional period. The Commission explains its volte face by stating that scientific research has shown that these additives can be authorized conditionally without risk to public health.

In its report on the original directive, your committee stated that 'the harmonization of the relevant laws within the framework of the Community's agricultural and food policy must reflect the most recent scientific knowledge and above all protect man against health hazards ...'[1]. Naturally these two requirements must still apply if the continued use of additives in certain foodstuffs is to be authorized not only in individual Member States but throughout the Community.

As your committee is unable to give a scientifically conclusive verdict on whether these substances are harmless to public health, it must rely on the facts and figures compiled by the Commission in collaboration with committees of experts.

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[1] cf. Strobel report, Doc. 37/63, paragraph 6

4. In principle increased trade in and availability of goods is to be welcomed as a step towards achieving the Common Market's aim of harmonizing the terms of production in all Community countries. It must, however, be stressed that if the concept of a conditional authorization of additives is put into practice each Member State must have legislative and administrative machinery needed to determine and control the actual quantities of additive present in daily food intake and avoid all risk to public health.[1]

5. Moreover, your committee considers it absolutely essential that the responsible departments keep scientific research and technological developments in the field of preservatives under constant review. This should ensure that any new findings which may call for an adjustment of tolerance levels, or even allow for certain preservatives to be replaced by less harmful substances, are reflected immediately in Community legislation.

In this context your committee welcomes the proposal to use formic acid and its salts instead of sulphur dioxide and its derivatives in the production of non-alcoholic beverages with a view to finding a solution more consistent with the requirements of a sound health policy.

6. Subject to the above conditions, strict compliance with which must be a prerequisite for the extension to the Community as a whole of the authorization to use the preservatives in question, the Committee on Agriculture feels it can recommend that the Committee on Public Health and the Environment adopt a favourable opinion.

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[1] See Section II, 1 (a) of the Explanatory Memorandum of the proposed directive.