

Basic information	
2004/0237(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Food additives: sweeteners and other than colours and sweeteners Amending Directive 95/2/EC 1992/0424(COD) Subject 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		DRČAR MURKO Mojca (ALDE)	30/11/2004
	Committee for opinion		Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy		The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection		The committee decided not to give an opinion.	
	Council of the European Union	Council configuration		Meetings
Employment, Social Policy, Health and Consumer Affairs		2733	2006-06-01	
European Commission	Commission DG		Commissioner	
	Health and Food Safety			

Key events			
Date	Event	Reference	Summary
11/10/2004	Legislative proposal published	COM(2004)0650 	Summary
16/11/2004	Committee referral announced in Parliament, 1st reading		
13/06/2005	Vote in committee, 1st reading		Summary

16/06/2005	Committee report tabled for plenary, 1st reading	A6-0191/2005	
25/10/2005	Debate in Parliament		
26/10/2005	Decision by Parliament, 1st reading	T6-0404/2005	Summary
26/10/2005	Results of vote in Parliament		
01/06/2006	Act adopted by Council after Parliament's 1st reading		Summary
05/07/2006	Final act signed		
05/07/2006	End of procedure in Parliament		
26/07/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2004/0237(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 95/2/EC 1992/0424(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/24348

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE357.780	19/05/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0191/2005	16/06/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0404/2005 OJ C 272 09.11.2006, p. 0273-0416 E	26/10/2005	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Draft final act	03663/2/2005	05/07/2006		
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2004)0650 	11/10/2004	Summary	

Commission response to text adopted in plenary	SP(2005)4593	24/11/2005	
Other institutions and bodies			
Institution/body	Document type	Reference	Date
EESC	Economic and Social Committee: opinion, report	CES0384/2005 OJ C 255 14.10.2005, p. 0059-0060	06/04/2005

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Directive 2006/0052 OJ L 204 26.07.2006, p. 0010-0022	Summary

Food additives: sweeteners and other than colours and sweeteners

2004/0237(COD) - 01/06/2006

The Council adopted, by qualified majority, (with Belgium, the Netherlands and Denmark voting against) a Directive amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs. The Council accepted all the amendments suggested by the European Parliament.

To recall, Directive 95/2/EC on food additives other than colours and sweeteners sets out a list of authorised food additives, the foodstuffs in which they may be used and their conditions of use. It needs to be adapted in the light of recent technical and scientific developments.

Changes concern:

- § the revision of current authorisations (nitrite and nitrate; weaning foods; food supplements and foods for special medical purposes; p-Hydroxybenzoates; gelling agents in jelly mini-cups);
- § the authorisation of new food additives (e.g. erythritol; 4-Hexylresorcinol; Soybean hemicellulose; ethyl cellulose, pullulan; TBHQ);
- § the authorisation for extending the use of authorised food additives (sodium hydrogen carbonate in sour milk cheese; sorbates and benzoates in crustaceans; silicon dioxide as a carrier; additives in traditional products).

Directive 94/35/EC on sweeteners for use in foodstuffs sets out a list of authorised sweeteners, the foodstuffs in which they may be used and their conditions of use. It needs to be adapted in the light of recent technical and scientific developments. Changes concern the authorisation of a new food additive (erythritol).

Food additives: sweeteners and other than colours and sweeteners

2004/0237(COD) - 26/10/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Mojca **DRCAR MURKO** (ALDE, SI) and made some amendments to the Commission's proposal. The resolution was adopted by 556 votes in favour, 98 against and 8 abstentions. Many national exemptions for traditional products have been endorsed by Members, under detailed conditions, in order to facilitate an agreement at the first reading stage. In order to protect people suffering from allergies, restrictions are introduced for soybean hemicellulose which should not be permitted for unprocessed food in which it is not expected to be found. On the other hand, some products are added to the positive list of authorised additives like pullulan (a new polysaccharide), TBHQ (an antioxidant) and starch aluminium. The new Directive modifies provisions regarding the use of sulphites in cooked crustaceans, table grapes and lychees. Amendments include the following:

-The maximum residual levels set for certain traditionally-manufactured meat products should ensure that the acceptable daily intake (ADI) established by the Scientific Committee on Food in 1990 is not exceeded. Products which are not specifically named in the legislation, but which are traditionally produced in a similar manner (i.e. similar products) can if necessary be categorised in accordance with Articles 5 and 6 of Directive 95/2/EC. For cheese, the level should be set as added amount in the cheese milk. If a process is used where addition of nitrate follows removal of whey and addition of water, this should lead to levels identical to those which would have been obtained if the nitrate had been added directly to the cheese milk.

-Consumers should be informed when products contain hemicellulose derived from soybean in accordance with the provisions of Directive 2000/13/EC.

-The European Food Safety Authority has assessed the information on the safety of pullulan and found the use of pullulan acceptable in coating food supplements that are in the form of capsules and tablets as well as in breath fresheners in the form of films. It is therefore appropriate to permit these uses.

-Similarly, the EFSA has assessed the information on the safety of tertiary butyl hydroquinone (TBHQ) and established an ADI of 0-0.7 mg/kg body weight for this antioxidant and found that its use would be acceptable in certain foodstuffs at certain inclusion levels. It is therefore appropriate to permit this additive.

-The Scientific Committee on Food has assessed the information on the safety of starch aluminium octenyl succinate and found that the use of this additive as a component of micro encapsulated vitamins and carotenoids may be regarded as acceptable. Parliament's text permits this use.

-Current provisions regarding the use of sulphites (E 220-228) in cooked crustaceans, table grapes and lychees are updated. (Please see the preceding summary.)

Food additives: sweeteners and other than colours and sweeteners

2004/0237(COD) - 11/10/2004 - Legislative proposal

PURPOSE : Amendment of Directives on food additives other than colours and sweeteners and on sweeteners for use in foodstuffs.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : the European Commission is proposing amendments to Directive 95/2/EC on food additives other than colours and sweeteners and to Directive 94/35/EC on sweeteners for use in foodstuffs, in light of recent technical and scientific developments. The proposal's justification is the continued smooth functioning of the internal market, a high level of human health and consumer protection. The proposed revision affect the following substances:

- Nitrite and Nitrate : The Commission proposes amending the current provisions in such a way that the maximum levels permitted by the EFSA in non-heat-treated meat products, in cheese and in fish are set as added amounts. For certain traditionally manufactured meat products maximum residual levels should be set.

- Weaning foods : The Commission proposes that every reference made to "weaning foods" should be replaced by a reference to "processed cereal-based foods and baby foods".

- Food supplements and foods for special medical purposes. The Commission proposes that every reference made to "dietary food supplements" be replaced by a reference to "food supplements as defined in Directive 2002/46/EC" and every reference to "dietetic foods intended for special medical purposes" be replaced by a reference to "dietary foods for special medical purposes as defined in Directive 1999/21/EC."

- p-Hydroxybenzoates : The Commission proposes withdrawing E 216 propyl p- hydroxybenzoates and E 217 sodium propyl p- hydroxybenzoates from Directive 95/2/EC. Further, on the basis of updated information, the Commission proposes withdrawing the use of p- hydroxybenzoates in liquid dietary food supplements.

- Gelling agents in jelly mini-cups : The Commission proposes withdrawing the use of the following gel-forming food additives in jelly mini-cups: E 400 alginic acid, E 401 sodium alginate, E 402 potassium alginate, E 403 ammonium alginate, E 404 calcium alginate, E 406 agar, E 407 carrageenan, E 407a processed eucheama seaweed, E 410 locust bean gum, E 412 guar gum, E 413 tragacanth, E 414 acacia gum, E 415 xanthan gum, E 417 tara gum and E 418 gellan gum.

- Erythritol : The Commission proposes allowing the use of erythritol in the same food applications as the other currently permitted polyols. Further, it is proposed to amend Directive 94/35/EC on sweeteners for use in foodstuffs, as erythritol can also be used for sweetening purposes like the other currently permitted polyols.

- 4- Hexylresorcinols : The Commission proposes that 4- hexylresorcinols can be used as an alternative to sulphites for preventing browning of crustaceans.

- Soybean hemicellulose : The Commission proposes to use soybean hemicellulose as an emulsifier in sauces, food supplements and flavouring, as a thickener in bakery ware and in jelly confectionery, as a stabiliser in frozen foods and dairy-based drinks and as an anti-caking agent in rice and noodles.

- Ethyl cellulose. The use of ethyl cellulose would be permitted in a similar way to other cellulose in the group ADI "not specified" for modified celluloses established by the Scientific Committee on Food. Further, it is proposed that the use of ethyl cellulose would be permitted in a similar way to other celluloses.

- Sodium hydrogen carbonate in sour milk cheese : The Commission proposes allowing the use of sodium hydrogen carbonate in sour milk cheese.
- Sorbates and benzoates in crustaceans: The Commission proposes allowing the use of a mixture of sorbates and benzoates in all cooked crustacean and molluscs, not only in cooked shrimps.
- Silicon dioxide as a carrier: The Commission proposes allowing the use of silicon dioxide as a carrier for food colours E 171 titanium dioxide and E 172 iron oxides and hydroxides at the level of maximum 90% relative to the pigment.
- Additives in traditional Hungarian products: Directive 95/2/EC limits the use of additives listed in Annex I in traditional French bread "Pain courant francais". The same limited use is proposed for similar traditional Hungarian bread "Búzakenyér, fehér és félbarna kenyerek." Further, the Commission proposes allowing the use in Hungarian liver patés (libamáj, libamáj egészben, libamáj tömbben) similar to foie gras, of ascorbic acid (E 300), sodium ascorbate (E 301) and calcium disodium EDTA (E 385). It is also proposed to allow the use of sorbates and benzoates for preservation of Hungarian quick-frozen chestnut puree "Gyorsfagyasztott gesztenyepüré".

Concerning the amendment of Directive 94/35/EC the Commission proposes the authorisation of a new food additive erythritol. It is proposed that erythritol may be used in tabletop sweeteners and in energy reduced foods and foods with no added sugars. Further, it is proposed to exempt erythritol from the labelling rule regarding labelling of laxative effect in tabletop sweeteners containing polyols.

Food additives: sweeteners and other than colours and sweeteners

2004/0237(COD) - 05/07/2006 - Final act

PURPOSE : to amend Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs.

LEGISLATIVE ACT : Directive 2006/52/EC of the European Parliament and of the Council.

CONTENT : there have been technical developments in the field of food additives since the adoption of Directives 95/2/EC and 94/35/EC. These Directives should be adapted to take account of those developments.

This Directive adapts the authorised levels of nitrates and nitrites permitted in meat, in line with a ruling by the Court of Justice in 2000, and a subsequent scientific opinion from the European Food Safety Authority. The level of nitrosamines (which are formed from nitrates and nitrites) will be kept as low as possible by lowering the levels of nitrites and nitrates added to food. Specific provisions are however provided for some traditional meat products, which rely on certain technological processes and would disappear from the market if forced to comply with the general provisions. However, for such traditional products a description of the production process has been included so that they can be easily recognised and defined.

Furthermore, the amended legislation authorises seven new additives :

- § erythritol;
- § soybean hemicellulose;
- § ethyl cellulose;
- § hexylresorcinol;
- § tertiary butyl hydroquinone (TBHQ);
- § pullulan;
- § starch aluminium octenyl succinate.

Each of these additives underwent a safety evaluation by the Scientific Committee on Food or the European Food Safety Authority prior the Commission proposing their authorisation. The authorisations of several other additives have also been extended to allow them a wider range of use in foods (e.g. sodium hydrogen carbonate in sour milk cheese).

ENTRY INTO FORCE : 15/08/2006. Member States shall bring into force by 15 February 2008 the laws, regulations and administrative provisions necessary to comply with this Directive in order to:

- a) permit trade in and the use of products complying with this Directive by 15 February 2008;
- b) prohibit trade in and use of products which do not comply with this Directive by 15 August 2008.

However, products placed on the market or labelled before 15 August 2008 which do not comply with this Directive may be marketed until stocks are exhausted. Member States shall forthwith communicate to the Commission the text of such laws, regulations and administrative provisions, together with a correlation table between them and this Directive.