



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.12.2003
COM(2003) 780 final

2002/0152 (COD)

OPINION OF THE COMMISSION

pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending European Parliament and Council Directive 94/35/EC on sweeteners for use in foodstuffs

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 3 amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council 11 July 2002
(document COM(2002)375 final – 2002/0152 COD):

Date of the opinion of the Economic and Social Committee: 11 December 2002

Date of the opinion of the European Parliament, first reading: 10 April 2003

Date of transmission of the amended proposal: 16 May 2003

Date of adoption of the common position (unanimity): 25 June 2003

Date of adoption by Parliament of the Recommendation for a second reading 22 October 2003

3. PURPOSE OF THE PROPOSAL

The Commission proposal aims at adapting Directive 94/35/EC on sweeteners for use in foodstuffs to recent technical and scientific developments. To this end it foresees:

- To authorise two new sweeteners, sucralose and the salt of aspartame and acesulfame, after favourable opinions by the Scientific Committee on Food (SCF).
- To reduce the intake of an already authorised sweetener, cyclamate, following an opinion of the SCF lowering the ADI (Acceptable Daily Intake) for this substance.
- To confer on the Commission the power to decide whether a substance should be considered as a sweetener according to the Directive.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

The Commission accepts all amendments by the European Parliament:

- Amendment 1 refuses comitology for deciding whether a substance should be considered as a sweetener. The Commission would have welcomed a formal tool to bring certain substances under the scope of the food additive legislation. But in the spirit of compromise, the Commission can accept this amendment and will re-table its request in the context of the amendment of the framework legislation on food additives.
- Amendment 2 requires the Commission to present a progress report on the re-evaluation of additives in general and of the two new sweeteners in particular. A similar amendment has already been accepted in the context of the amendment of another Directive on food additives. Therefore, for the sake of consistency, the Commission can accept this amendment.
- Amendment 3 introduces a clause for the exhaustion of stocks of products no longer conforming to the Directive. For this, a time limit of 24 months after entry into force of the Directive is set. The Commission can accept such a clause and welcomes the fact that it is limited in time. This limitation in time creates legal certainty and facilitates enforcement.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.