



**2017/2920(RPS)**

16.11.2017

# **DRAFT MOTION FOR A RESOLUTION**

pursuant to Rule 106(2), (3) and (4)(c) of the Rules of Procedure

on the draft Commission regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) in frozen vertical meat spits  
(D052941/02 – 2017/2920(RPS))

**Committee on the Environment, Public Health and Food Safety**

Member responsible: Christel Schaldemose, Bart Staes

**European Parliament resolution on the draft Commission regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) in frozen vertical meat spits (D052941/02 – 2017/2920(RPS))**

*The European Parliament,*

- having regard to the draft Commission regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) in frozen vertical meat spits (D052941/02) (“draft Commission regulation”)
  - having regard to Regulation 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives<sup>1</sup>, and in particular 10(3) thereof,
  - having regard **to** Commission Regulation (EU) No 257/2010 of 25 March 2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives,
  - having regard to Article 5a(3)(b) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,
  - having regard to the vote of the Standing Committee on Plants, Animals, Food and Feed, section Novel Food and Toxicological Safety of the Food Chain, on the 25 September 2017, which delivered a positive opinion with two abstentions and two votes against,
  - having regard to the motion for a resolution by the Committee on the Environment, Public Health and Food Safety,
  - having regard to Rule 106(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas Union legislation, in particular Regulation (EC) No 1333/2008, currently permits the addition of phosphoric acid and phosphates (E 338–341; E 343) and polyphosphates (E 450–452) as food additives for several technological purposes in a large number of foodstuffs; whereas while phosphates occur naturally in many foods, the forms used as additives are more readily absorbed in the human intestine;
- B. whereas there are serious concerns and questions surrounding the negative health effects of phosphates used as food additives;
- C. whereas the draft Commission regulation amends Annex II to Regulation (EC) No

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<sup>1</sup> OJ L 354, 31.12.2008, p. 16.

1333/2008 in order to allow the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) as food additives in ‘frozen vertical rotating meat spits made of sheep, lamb, veal and/or beef treated with liquid seasoning or from poultry meat treated with or without liquid seasoning used alone and/or combined, as well as sliced and/or minced and designed to be roasted by a food business operator and then consumed by the final consumer’;

- D. whereas a 2017 Commission report on official controls of food additives<sup>1</sup> found that overall, Member States face significant challenges in verifying that food additives are used in accordance with Union legislative requirements; whereas the report also stated that within some Member States, competent authorities and food business operators had different, and sometimes incorrect, interpretations of applicable Union requirements relating to meat preparations and meat products, including when it came to the interpretation of exceptions listed in Regulation (EC) No 1333/2008, thereby resulting in a lack of uniform implementation of such requirements;
- E. whereas in 2012, a scientific review<sup>2</sup> was published that found that phosphates additives in food are a matter of concern as they may be linked to elevated serum phosphate levels; whereas high serum phosphate levels have been associated with increased cardiovascular risk;
- F. whereas the Commission requested that the European Food Safety (EFSA) undertake a scientific evaluation of the concerns raised in the scientific review, which EFSA subsequently published in 2013<sup>3</sup>;
- G. whereas, while EFSA concluded in its assessment of the review that it is not possible to ascertain whether the increased cardiovascular risk is attributable to differences in the dietary intake of phosphorus in general or in the form of phosphate additives, it also highlighted that, as required under Regulation (EU) No 257/2010, phosphates for use as food additives would be re-evaluated by EFSA with high priority by 31 December 2018;
- H. whereas a scientific study published in 2013 found that “high phosphorus intake was associated with increased mortality in a nationally representative, healthy US population” and that, “because of the prevalence of high phosphorus intake in healthy adults and the widespread use of inorganic phosphorus additives in processed food, these findings may have far-reaching public health implications”<sup>4</sup>; whereas the findings of another study, published in 2014, suggest that long-term high-phosphorus diets may impair bone health both in chronic kidney disease patients and in the healthy population<sup>5</sup>;
- I. whereas the use of phosphate additives is generally not permitted in meat preparations;

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<sup>1</sup> [http://ec.europa.eu/food/audits-analysis/overview\\_reports/details.cfm?rep\\_id=115](http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=115)

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3278747/>

<sup>3</sup> <http://www.efsa.europa.eu/en/efsajournal/pub/3444>

<sup>4</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3893724/>

<sup>5</sup> <https://www.ncbi.nlm.nih.gov/pubmed/24425727>

- J. whereas however, via derogation after derogation, the use of phosphates as additives has been approved for use in more and more meat preparations thereby legalising usages that are in fact not permitted under Union legislation; whereas phosphates additives have been and still are being illegally used in frozen vertical spits in several Member States;
- K. whereas phosphates, owing to their water-binding properties, can be used to increase the weight of meat thereby intentionally misleading consumers and committing fraud by selling water for the price of meat;
- L. whereas frozen vertical meat spits are destined for the out-of-home sector; whereas that means that consumers are not informed about the use of phosphates as food additives in these products since they are not labelled;
- M. whereas Article 6 of Regulation (EC) N° 1333/2008 states that a food additive may be included in the lists in Annexes II and III only if, on the basis of the scientific evidence available, it does not pose a safety concern to the health of the consumer at the level of use proposed, if there is a reasonable technological need that cannot be achieved by other economically and technologically practicable means, and if its use does not mislead the consumer;
- N. whereas none of the above-mentioned criteria are met;
1. Opposes adoption of the draft Commission regulation;
  2. Considers that the draft Commission regulation is not compatible with the aim and content of Regulation (EC) No 1333/2008;
  3. Calls on the Commission to withdraw the draft regulation;
  4. Calls on the Commission to review current authorisations and, where necessary, put forward proposals for their discontinuation or revision, in the case where the re-evaluation of phosphates for use as food additives by EFSA cannot exclude any health risks resulting from the use of phosphates as food additives;
  5. Calls on the Commission to effectively verify that Member States adequately enforce current Union legislation pertaining to the use of food additives in meat preparations;
  6. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.