

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 609 final.

Brussels, 18 November 1977

Proposal for a

COUNCIL DIRECTIVE

amending for the sixth time the Council Directive
of 23 October 1962 on the approximation of the rules of the
Member States concerning the colouring matters authorized for use in
foodstuffs intended for human consumption

(submitted to the Council by the Commission)

COM(77) 609 final.

EXPLANATORY NOTE

The present proposal implements the requirements of the Treaty of Accession of Denmark, Ireland and the United Kingdom, to examine the possibility of including certain colouring matters in the Directive, and also to act on requests from Member States to modify the Directive in other respects. This proposal has been made after seeking the advice of the Scientific Committee for Food on the aspects of the subject which relate to public health.

Proposal for a Council Directive amending for the sixth time the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption¹, as last amended by Directive 76/399/EEC², lays down a common list of colouring matters;

Whereas from a technological point of view the usefulness of titanium dioxide (E 171), iron oxides and iron hydroxides (E 172) not only for surface but also mass colouring has been demonstrated at Community level;

Whereas riboflavin-5-phosphate has technological advantages in certain circumstances over riboflavin (E 101), already included in Annex I of the Directive;

Whereas having regard to the most recent scientific and toxicological information it is possible to authorize within the Community the use of the substances referred to above;

¹OJ No. 115, 11 November 1962, p. 2645/2662

²OJ No. L 108, 26 April 1976, p. 19

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Whereas Annex VII, Chapter IX.1 of the Act of Accession³ permits Denmark, Ireland and the United Kingdom, up to and including 31 December 1977, to maintain in force the provisions of their national laws permitting the use in foodstuffs of certain colouring matters and substances used for diluting and dissolving colouring matters, not appearing on the common list;

Whereas the scientific research on certain of these has not yet been completed and therefore it is not possible to take a final decision on whether or not the use of Brilliant Blue FCF, Brown FK, Chocolate Brown HF, Red 2G and Yellow 2G, and the substances listed in the Act of Accession for diluting or dissolving colouring matters, should be authorized within the Community,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 2 of the Directive of 23 October 1962 is hereby amended to read as follows:

- "1. By way of derogation from Article 1 Member States may authorize the use in foodstuffs of the substances listed in Annex II.
2. Within three years following notification of this Directive, the Commission shall re-examine the derogations in paragraph 1 and shall propose any necessary amendments to the Council.

Article 2

Annex I of the Directive of 23 October 1962 is amended as follows:

1. The following shall be inserted between No E 105 and E 110:

Colour	EEC No	Common Name	Schultz	CI	DFG	Chemical Formula or Description
Yellow	E 106	riboflavin-5-phosphate	-	-	-	phosphate ester of riboflavin

2. The indents referring to E171 and E 172 shall be transferred from Part II to Part I and inserted after E 163.

³OJ No. L 73, 27 March 1972

Article 3

Annex II of the Directive of 23 October 1962 is replaced by the following:

(a) Colouring matters for both mass and surface colouring

Common Name ¹	Schultz	CI	DFC ²	Chemical Formula or Description
Brilliant Blue FCF	770	42,090	-	disodium salt of 4,4-(N-ethyl-p-sulphobenzyl-amino)-phenyl-(2-sulphoniphenyl)-methylene-(1-(N-ethyl-N-sulphobenzyl)-2,5-) cyclohexadieneimine)
Brown FK	-	-	-	a mixture consisting essentially of the disodium salt of 1,3-diamino-4-(p-sulfophenylazo) benzene and the sodium salt of 2,4-diamino-5-(p-sulfophenylazo) toluene
Chocolate Brown HT	-	20,285 (671)	-	disodium salt of 4,4-[[2,4-dihydroxy-5 (hydroxymethyl)-m-phenylene/bis (AZO) di-1-naphthalene sulphonie acid
Red 2G	40	18,050	-	disodium salt of acetamino-5 hydroxy-4 (phenylazo)-3 naphthalene-2,7 disulphonic acid
Yellow 2G	-	18,965	-	disodium salt of 1-(2,5-dichloro-4-sulphophenyl-5-hydroxy-3-methyl-4-p-sulphophenylazopyrazole

(b) substances for diluting or dissolving colouring matters:

Ethyl acetate
 Diethyl ether
 Glycerol monoacetate
 Glycerol diacetate
 Glycerol triacetate
 Isopropyl alcohol
 Propylene glycol
 Acetic acid
 Sodium hydroxide
 Ammonium hydroxide

Article 4

Member States shall bring into force not later than one year after notification of this Directive the laws, regulations or administrative provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President,
