

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 611 final.

Brussels, 18 November 1977

Proposal for a
COUNCIL DIRECTIVE

amending for the second time, the Council Directive 70/357/EEC
on the approximation of the laws of the Member States concerning
the antioxidants authorized for use in foodstuffs
intended for human consumption

(submitted to the Council by the Commission)

COM(77) 611 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 substances with antioxidant effect 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.

Draft proposal for a Council Directive amending for the second time, the Council Directive 70/357/EEC on the approximation of the laws of the Member States concerning the antioxidants 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 Article 2 of Council Directive 70/357/EEC¹ of 13 July 1970 on the approximation of the laws of the Member States concerning the antioxidants authorized for use in food intended for human consumption, as amended by Directive 74/412/EEC², permits Member States to maintain the provisions of their national laws authorizing the use in foodstuffs of calcium disodium ethylene diamine tetra-acetate, propyl gallate and L-ascorbic acid esters of the unbranched fatty acids C₁₄ and C₁₈ until 31 December 1977;

Whereas Chapter IX, 3 Annex VII to 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 relating to the use in foodstuffs of propyl gallate and ethoxyquin;

Whereas the technological usefulness of ethoxyquin for the treatment of apples and pears, calcium disodium ethylene diamine tetra-acetate as a substance capable of increasing the antioxidant effect of other substances, and propyl gallate as antioxidant in food has been demonstrated within the Community;

¹OJ No L 157, 18/7/1970, p. 31

²OJ No L 221, 12/8/1974, p. 18

³OJ No L 73, 27/3/1972, p. 14

Whereas on the basis of the most recent scientific and toxicological information it is now possible to take a final decision to authorize within the Community the use of propyl gallate and calcium disodium ethylene diamine tetra-acetate;

Whereas during a second stage, the Council must decide the conditions governing the use of antioxidants in particular foodstuffs, but whereas the above-mentioned information shows that calcium disodium ethylene diamine tetra-acetate should not be used in foodstuffs intended for the particular nutritional use of infants and young children in the sense of Article 1 of Council Directive 77/94/EEC of 21 December 1976 on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses⁴;

Whereas it is not yet possible to take a final decision as to whether or not the use of ethoxyquin should be authorized at Community level; but the situation must be reviewed in the light of further scientific and toxicological information,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 2 of Directive 70/357/EEC is hereby amended to read as follows: :

- "1. By way of derogation from Article 1, Member States may until 31 December 1980 maintain the provisions of their national laws permitting the use of ethoxyquin for the treatment of apples and pears in the control of scald providing the residues of ethoxyquin are not more than 3 milligrams per kilogram of whole fruit.
2. Before expiry of the period set in paragraph 1 the Council may, on the basis of a study by the Commission, and in accordance with the procedure laid down in Article 100, include ethoxyquin in the Annex".

Article 2

In Article 9 of Directive 70/357/EEC there is hereby added a second paragraph as follows:

"However, calcium disodium ethylene diamine tetra-acetate shall not be used in foodstuffs intended for the particular nutritional use, in the sense of Article 1 of Directive 77/94/EEC, of infants and young children".

⁴OJ No L 26, 31/1/77, p. 55.

Article 3

In part I of the Annex to Directive 70/357/EEC shall be added the following:

EEC No	Name
E 310	Propyl gallate

Article 4

In part III of the Annex to Directive 70/357/EEC there shall be added the following:

EEC No	Name
E 342	Calcium disodium ethylene diamine tetra-acetate

Article 5

Member States shall bring into force not later than 12 months 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 6

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President.