

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 712 final

Brussels, 8 November 1982

Proposal for a

COUNCIL DIRECTIVE

amending Directive 79/117/EEC prohibiting the placing on the market  
and use of plant protection products containing certain active substances

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(submitted to the Council by the Commission)

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## EXPLANATORY MEMORANDUM

Ethylene oxide is used in certain Member States as a fumigant of foodstuffs, particularly cereals, herbs, spices, dried vegetables and cocoa. The extent of use is variable from year to year. It is a very reactive compound and its residues may contain, in addition to unchanged fumigant, ethylene chlorohydrin and other more complex reaction products, some as yet unidentified.

Residue levels in fumigated foodstuffs are very variable but can range up to 5000 mg/kg under some circumstances. The toxicological data available on ethylene oxide residues is insufficient to estimate an acceptable daily intake. In addition, both ethylene oxide and ethylene chlorohydrin have been shown to be mutagenic and the former, in view also of its strong alkylating activity, should be treated as a probable carcinogen.

The potential hazards to consumers associated with the continued use of ethylene oxide for the fumigation of staple foods are therefore such as to justify prohibition. Satisfactory alternative treatments are already available, except for spices. These are minor commodities for which there is a particular need not to induce taint.

This proposal provides for the addition of ethylene oxide to the list of prohibited active substances in the Annex to Directive 79/117/EEC, with a temporary derogation under which Member States may authorise the continued fumigation of spices until other treatments become available.



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amending Directive 79/117/EEC<sup>1</sup> prohibiting the placing on the market and use of plant protection products containing certain active substances

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas that Directive provides for the contents of the Annex to be regularly amended to take account of the development of scientific and technical knowledge;

Whereas it has now been established that the use of ethylene oxide as a plant protection product, in particular to fumigate plants or plant products in storage, leaves residues in foodstuffs which may give rise to harmful effects on human or animal health;

Whereas alternative treatments are available for plant protection, except for certain minor commodities;

Whereas the marketing and use of ethylene oxide as a plant protection product should therefore be prohibited;

Whereas, however, temporary national exceptions from this prohibition may be permitted for certain minor commodities, where special need exists, until other treatments become available,

HAS ADOPTED THIS DIRECTIVE:

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(1) OJ No L 33, 8.2.1979, p. 36

Article 1

The following part C 'Ethylene oxide' and footnote (1) are hereby added to the Annex to Directive 79/117/EEC:

Names of active substances or groups of active substances referred to in Article 3	Cases in which placing on the market or use are permitted in accordance with Article 4
C. Ethylene oxide	Fumigation of spices (1)

(1) Plants and plant products rich in essential oils and aromatic principles and which, because of their characteristic taste, are mainly used as condiments.

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1984. They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council