

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 836 final.

Brussels, 12 June 1974

Proposal for a Directive on a first amendment to the  
Council Directive on the approximation of the laws of  
the Member States concerning antioxidants for use in food.

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(submitted to the Council by the Commission)



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Explanatory Memorandum

1. The Council Directive of 13 July 1970 on the approximation of the laws of Member States concerning the antioxidants authorised for use in food intended for human consumption (1) allows Member States to maintain their national laws authorising the use in foodstuffs of calcium disodium ethylene diamine tetra acetate, propyl gallate, and L-ascorbic acid esters of the unbranched fatty acids C<sub>14</sub> and C<sub>18</sub>. The same exemption is made for synthetic B-tocopherol. The expiry date for this exemption is 14 July 1974.

(2)

2. The Treaty of Accession of the new Member States Annex VII chap. IX.3 allows those new Member States to maintain in force their national laws existing at the date of accession relating to the use in foodstuffs of propyl gallate. The same exemption is made for certain polyphosphates and ethoxyquin. The expiry date for this exemption is 31 December 1977.

3. No case (e.g. toxicological data or technological necessity) has been made for the continued inclusion of synthetic B-tocopherol. For the substances referred to in paragraphs 1 and 2 there is considerable interest within the Member States on their possible inclusion in a Community list of Antioxidants for use in food, and the Commission is preparing a proposal for a Directive. This proposal cannot be finalised without the advice of the Scientific Committee for Food.

4. The Scientific Committee for Food, for the nine Member States of the Community was instituted by Decision of the Commission 16 April 1974. The Committee cannot be expected to complete detailed study of the substances under consideration in time to allow the Council to adopt the modification before 14 July 1974.

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(1) OJ L 157 18.7.1970  
(2) OJ Special Edition (L 73), 27.3.1972

5. The present proposal concerns only those substances which, without any change to the Directive on Antioxidants, would not be allowed after 14 July 1974. No consideration has been given to ethoxyquin and polyphosphates (see paragraph 2). The aim of the modification is twofold. Firstly, it is anomalous that certain Member States have a right to use propyl gallate not given to the other Members. Therefore it is proposed that the expiry date for this provision be extended to 31 December 1977 for all the Member States. Secondly, as there is also considerable interest in the continued use of calcium disodium ethylene diamine tetraacetate and L-ascorbic acid esters of the unbranched fatty acids C<sub>14</sub> and C<sub>18</sub>, it is proposed that Member States be given the facility to use these substances for a "limited period". When the Scientific Committee for Food has given its advice, the Commission will decide what further action is required.

6. The "limited period" has been made the same as for propyl gallate to avoid unnecessary proliferation of dates within the Directive.

7. Consultation with the European Parliament and the Economic and Social Committee according to Article 100 is not necessary as the Directive does not involve the amendment of legislation in any Member State.

Proposal for a Directive on a first amendment to the Council Directive on the approximation of the laws of the Member States concerning antioxidants for use in food.

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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 of the Commission,

Whereas Article 2 of the Council Directive of 13 July 1970 on the approximation of the laws of Member States concerning the antioxidants authorised for use in food intended for human consumption (1) allows Member States for a period of three years following the notification of the said Directive to maintain their national laws authorising the use in foodstuffs of calcium disodium ethylene diamine tetraacetate, propyl gallate and L-ascorbic acid esters of the unbranched fatty acids C<sub>14</sub> and C<sub>18</sub>;

Whereas annex VII chap. IX.3 of the Act concerning / the Conditions of Accession (2) allows the new Member States, up to and including 31 December 1977, to maintain in force their national laws existing on the date of accession relating to the use in foodstuffs of propyl gallate;

Whereas the usefulness of these substances in food has been demonstrated on a technological plane at Community level;

Whereas the laws of certain Member States still authorise the use of these substances;

Whereas the situation must be reviewed in the light of the most recent scientific and toxicological information.

Whereas the Scientific Committee for Food instituted by Decision of the Commission of the 16 April 1974 has not yet fully considered the information ;

Whereas it is therefore not possible to take a final decision as to the suitability of these substances at Community level.

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(1) OJ L157, 18.7.1970

(2) OJ Special Edition (L 73), 27.3.1972

HAS ADOPTED THIS DIRECTIVE,

Article 1

The Council Directive of 13 July 1970 shall be amended as follows :

1. Paragraph 1 of Article 2 is replaced by the following :

By way of derogation from Article 1, Member States may until 31 December 1977 maintain the provisions of their national laws authorising the use in foodstuffs of calcium disodium ethylene diamine tetraacetate, propyl gallate and L-ascorbic acid esters of the unbranched fatty acids C<sub>14</sub> and C<sub>18</sub>.

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

By the Council.

The President.