

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 639 final.

Brussels, 11 December 1975

PROPOSAL FOR A COUNCIL DIRECTIVE

for a 5th amendment to the Directive on the approximation
of the laws 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(75) 639 final.

EXPLANATORY MEMORANDUM

1. Since the adoption of the present Directive on the approximation of the laws of Member States concerning the colouring matters authorised for use in foodstuffs intended for human consumption (1), there have been significant developments in methods for the toxicological investigation of food additives and in the evaluation and interpretation of biological and clinical information.

Furthermore by virtue of the Treaty of Accession (2) the new Member States were enabled to prohibit the use of certain colours on the Community list, in particular colours E 103, E 105, E 111, E 121, E 125 and E 126 until 31 December 1975 and to maintain their legislation authorising the use of other colours not on the Community list until 31 December 1977.

2. The Commission asked the advice of the Scientific Committee for Food on the questions relating both to the colouring matters listed in the above mentioned Directive as well as those requested for inclusion in this Directive. The Committee recommended that as the data were insufficient to evaluate toxicologically certain colours these could not be considered acceptable for use in food. The Commission is proposing to take appropriate action to implement this advice.

3. Consequently the colours listed in paragraph 1 and n° E 130, E 152 and E 181 will be deleted from the Community list from 31 December 1976. If, following research, new elements become known for certain colours, this decision will be reexamined.

(1) Council Directive of 23/10/1962 (OJ N° 115 of 11/11/62, as modified
- Dir. 25/10/1965 JO 178 of 26/10/1965, p. 2793/65
- Dir. 4/10/1967 JO 263 of 30/10/1967, p. 4
- Dir. 20/12/1968 JO L 309 of 24/12/1968, p. 24
- Dir. 13/07/1970 JO L 157 of 18/07/1970, p. 36

(2) JO L 73 of 27/03/1972.

Proposal for a Council Directive for a 5th amendment to the Directive on the approximation of the laws of the Member States concerning the colouring matters authorised 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 of 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 laws of the Member States concerning the colouring matters authorised for use in foodstuffs intended for human consumption (1), as last amended by the Council Directive 70/359/EEC (2) provides for a list of colouring matters whose use has to be authorised in the Community as a whole.

Whereas since the adoption of the original Directive there have been significant developments in methods for the toxicological investigation of food additives and in particular in the evaluation and interpretation of biological and chemical information ;

Whereas the data relating to the safety in use of certain colours at present allowed is no longer adequate to meet present day requirements.

Whereas therefore these colours should no longer be permitted for use in food.

Whereas it is desirable to give effect to the required prohibiting measures in conditions which protect public health, but at the same time avoid as far as possible disruptions of a technological and economic nature,

HAS ADOPTED THIS DIRECTIVE,

(1) OJ N° 115 of 11/11/62

(2) OJ N° L 157 of 18/7/70, p. 36

Article 1

1. Annexes I and III of the Directive of 23 October 1962 are amended as follows.

The following colours are deleted with effect from 1 January 1977 :

- (a) E 103 Chrysoine S
- (b) E 105 Fast Yellow AB
- (c) E 111 Orange GGN
- (d) E 121 Orchil-orcein
- (e) E 125 Scarlet GN
- (f) E 126 Ponceau 6 R
- (g) E 130 Indanthrene Blue
- (h) E 152 Black 7984
- (i) E 181 Burnt Umber

2. Foodstuffs containing one or more of the colouring matters listed in paragraph 1 shall not be marketed later than 1 January 1978.

Article 2

Member States which are authorised to prohibit, until 31 December 1975, the use in foodstuffs of one or more of the colours listed in Article 1 paragraph 1 may maintain this prohibition beyond this date.

Article 3

Member States shall take all measures necessary to comply with this Directive and the time limits fixed in Article 1 and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The Chairman
