

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 418 final  
Brussels, 22 July 1980

Proposal for a  
COUNCIL DIRECTIVE

amending for the third time 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

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(submitted to the Council by the Commission)

COM(80) 418 final

EXPLANATORY NOTE

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<sup>1</sup> as last modified by Directive 78/143/EEC<sup>2</sup> requires that the Council decide before 31 December 1980 on the future use of calcium disodium ethylene diamine tetra-acetate and ethoxyquin. Member States "may until 31 December 1980 maintain" their use in foodstuffs. Ascorbyl diacetate (E 303) is authorized at Community level without restriction but its use in food has now ceased. The present proposal relates to action to be taken on these three substances.

Calcium disodium ethylene diamine tetra-acetate

On the basis of the opinion of the Scientific Committee for Food<sup>3</sup> the Commission proposed on 21 November 1977 that this substance be added to Part III of the Annex to the Directive 70/357/EEC<sup>4</sup> (i.e. substances capable of increasing the antioxidant effect of other substances). This proposal was not accepted by the Council which, in common with the Economic and Social Committee believed that further information should be supplied. In order to comply with these requests, and to remain within the terms of approval advised by the Scientific Committee for Food, the present proposal lists foodstuffs of "low consumption" in which the substance is used and the levels of residues to be found therein. It seems unlikely that these foodstuffs would be manufactured with the intention that they would be consumed by infants (less than 2 years old) but nevertheless the proposal expressly prohibits this practice.

Ethoxyquin

Ethoxyquin is considered by some Member States to be a pesticide; others do not permit its use on their territories either as pesticide or as food antioxidant (although it is permitted as antioxidant in animal feedingstuffs by Community legislation). Its use in food is allowed expressly in the Antioxidants Directive for use on apples and pears for

<sup>1</sup>OJ L 157 of 18.7.1970, p. 31

<sup>2</sup>OJ L 44 of 15.2.1978, p. 18

<sup>3</sup>Reports of the Scientific Committee for Food, 4th Series, 1977

<sup>4</sup>OJ C 300 of 13.12.1977, p. 5

the treatment of "scald" an affliction not apparent every year and in any case usually only associated with certain varieties of fruit. There seems to be a consensus that the protective capacity of ethoxyquin in the treatment of scald is not strictly antioxidative but is related to its ability to retard the physiological deterioration of the fruit.

The proposal is being made to rectify the anomaly that this specific food use is included unnecessarily in the antioxidants directive.

The Commission intends to propose specific measures on additives used for the surface treatment of fruit where this use is not more properly covered by rules on pesticides. At that time it is envisaged that the use of ethoxyquin at Community level will be studied. Particular attention will be paid to the response by interested parties to the Scientific Committee for Food's request for additional studies relating to the technology and toxicology of the use of ethoxyquin.

#### Ascorbyl diacetate

The substance is no longer used in food and is consequently proposed for deletion from the permitted list of antioxidants.

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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 from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas Article 2 of Directive 70/357/EEC<sup>4</sup>, as last amended by Directive 78/143/EEC<sup>5</sup>, permits Member States to maintain the provisions of their national laws authorizing the use in foodstuffs of calcium disodium ethylene diamine tetra-acetate and of ethoxyquin for the treatment of apples and pears;

Whereas the technological usefulness of calcium disodium ethylene diamine tetra-acetate as a substance capable of increasing the antioxidant effect of other substances has been demonstrated within the Community in certain foodstuffs consumed in small quantities;

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<sup>4</sup>OJ No L 157, 18.7.1970, p. 31

<sup>5</sup>OJ No L 44, 5.2.1978, p. 18

Whereas, according to toxicological information, this use presents no hazard to public health provided that calcium disodium ethylene diamine tetra-acetate is not used in foods intended for the particular nutritional use of infants or young children within the meaning 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 uses<sup>6</sup>;

Whereas it is not yet possible to take a final decision on whether or not the use of ethoxyquin should be allowed for the treatment of apples and pears in the Community; whereas, however, such treatment cannot in any case be regarded as having an antioxidant effect;

Whereas the situation has to be reviewed at Community level in the light of further scientific and in particular toxicological information;

Whereas E 303 (ascorbyl diacetate) is no longer used in foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/357/EEC is hereby amended as follows:

1. Article 2 is deleted.
2. Article 9 is replaced by the following:

"Article 9

1. Member States shall authorize the use of the substances listed in Parts I to III of the Annex under the conditions set out therein.
2. For substances for which conditions of use are not laid down in the Annex, such conditions may be determined by national laws; however, such laws must not have the effect of totally excluding the use in foodstuffs of any of the substances concerned."

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<sup>6</sup>OJ No L 26, 31.1.1977, p. 55

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3. The substance E 303 "5,6-diacetyl-L-ascorbic acid (ascorbyl diacetate)" is deleted from Part I of the Annex.
4. There is added to the Annex a third column entitled 'Conditions for Use'.
5. The following is added to Part III of the Annex:

EEC No.	Name	Conditions of Use
E 342	Calcium disodium ethylene diamine tetra-acetate	Solely in the foodstuffs listed below which are not intended for the particular nutritional use of infants or young children within the meaning of Article 1 of Directive 77/94/EEC, and provided that the residues do not exceed the limits specified:  - condiment sauces 75 mg/kg - glacé cherries 100 mg/kg - preserved crab 275 mg/kg - preserved shrimps 250 mg/kg - preserved mushrooms 200 mg/kg - pickles 220 mg/kg

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than twelve months after its notification. They shall forthwith inform the Commission thereof.

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Article 3

This Directive is addressed to the Member States.

Done at

For the Council

The President

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