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## ANNEX I

### Revised proposal of the Commission to the Council on objective criteria for minimum price systems and for the fixing of these prices

The Council of the European Economic Community has decided as follows

#### *Article 1*

1. Where, and for so long as, an exporting Member State guarantees an importing Member State having recourse to Article 44 a minimum export price free to frontier, the importing Member State shall apply vis-à-vis this exporting Member State a system of minimum prices under which imports are subject to the condition that they are made at a price higher than the minimum fixed for the product in question.

2. An importing Member State which for a given product applies simultaneously the two minimum price systems laid down in Article 44 (2) vis-à-vis different Member States must determine the manner in which the two systems shall apply and fix the level of the minimum prices in such a way as to ensure that the principle of non-discrimination is not infringed.

#### *Article 2*

A Member State which establishes minimum prices on the basis of Article 44 of the Treaty shall at the same time make such adjustments to the import system applied to non-member States as are necessary to allow a natural preference to develop between the Member States. The measures which it takes in this matter shall be notified to the other Member States and to the Commission.

#### *Article 3*

If a Member State after operating a system of minimum prices for a particular year or years re-introduces quotas at the beginning of the following calendar year, the amount of any quota must be calculated for the year

in question according to the rules which have been observed if the system of minimum prices had not been applied.

#### *Article 4*

A Member State operating a minimum price system shall fix the practical application thereof for a period not exceeding one year. The system shall be applicable only during the normal period for marketing that Member State's own production of the goods in question.

#### *Article 5*

Where a system of minimum prices below which imports are temporarily suspended or reduced is applied :

1. The reference price to be compared with the established minimum price in order to determine the dates of suspension, reduction or resumption of imports must be arrived at by a calculation based :

a) On the weighted average of the prices on a representative wholesale market in the importing State ;

b) Or, in the case of several representative wholesale markets, of the weighted average of the averages found in accordance with (a) above.

Should technical difficulties be encountered in calculating the weighted averages for certain products the basis of calculation shall be the arithmetical average or the ruling price on the particular market or markets.

2. The reference price must relate to the same product which serves as a basis for fixing the minimum price. This product must be well-defined as to its commercial

and technical characteristics, such as variety or type, grading by quality or size, packing, dimensions.

3. The results of the calculation mentioned in paragraph (1) above must be communicated regularly and with the least possible delay to the Member States concerned and to the Commission. Should the calculation be based on the ruling price, the minimum and maximum price levels obtaining on the particular market or markets must also be indicated.

4. Imports shall be suspended or reduced only if it is found that on three successive quotations the reference price has remained below the minimum price fixed for the product in question. Imports must be re-admitted as soon as the reference price on three successive quotations is equal to or higher than the minimum price fixed for the product in question.

The importing Member State shall notify the other Member States concerned and the Commission as soon as possible of the date of closing of the frontier or reduction of imports and also of the date when the frontier is reopened.

5. Time allowed for goods in transit before the frontier is closed must not be less than three days. In exceptional cases the Member States may request the Commission's consent to the waiving of this rule.

#### *Article 6*

1. When a Member State applies, under a system of intervention for a given product, prices designed to establish a predetermined price level in the interests of the producer, the said Member State may not fix the minimum price at more than 105% of this intervention price.

2. *a)* For other products, and subject to the provisions of *c)* below, the minimum price may not exceed 90% of the average price, calculated as specified in Article 5 (1) and (2) concerning the calculation of the reference price on the basis of the prices noted during the three years preceding the entry into force of the minimum prices on

the most representative wholesale market or markets for the product in question ;

*b)* To allow for seasonal price differences each calendar year or farming year may, for the purpose of fixing seasonal minimum prices calculated on the basis of three-year averages, be divided into several periods within which prices shall be relatively stable. The length of each period may not be less than a clear fortnight.

*c)* If for the whole or part of one of the years taken into consideration prices on the wholesale market are seen to have diverged appreciably from the normal level, the Member State concerned may, after consulting the other Member States and the Commission, adjust the figures relating to this year or part-year by reference to the average domestic cost price.

*d)* The Member State concerned may apply to this average domestic cost price a coefficient allowing for seasonal price differences, provided this coefficient takes account of normal price relations and variations in the average volume of deliveries to the most representative wholesale markets during the different seasons.

#### *Article 7*

A Member State intending to introduce a system of minimum prices must apply a procedure of prior notification in two stages : (1) a declaration of intent ; (2) the fixing of the minimum price level.

1. The declaration of intent shall be handed to the Commission and to the Member States at least a clear fortnight before the date planned for the entry into force of the system.

The declaration shall contain the following information :

*i)* An account of the special circumstances of the market in the product or products in question which, in the opinion of the State concerned, make it necessary to apply the system.

*ii)* The system planned and the period for which it is to be applied.

iii) A statement of the practical operation of the system.

iv) The basis on which the minimum price is to be fixed.

v) The system applicable to non-member countries for the same product or products.

When the Member State concerned is making use of the facilities granted it under Article 6 (2) *c*) and *d*), the declaration of intent shall also include :

i) The annual or seasonal price on the wholesale market considered as normal and the years which served as a reference in determining this normal price.

ii) The average domestic cost price, the factors on which this price was calculated and the methods of calculation used.

2. The minimum price level decided on shall be communicated to the Commission and to the Member States at least three working days before the system comes into operation.

In exceptional cases the importing State may request the Commission's consent to disregard this rule.

#### *Article 8*

As soon as it has received the prior notification, the Commission shall, where necessary, take steps to organize within a reasonable time, in the light of the requirements of the importing State, multilateral discussions in which the States concerned may submit their observations.

The Commission shall study the proposed measures with due regard to the following factors :

System governing imports from non-member countries, volume of quotas, amount of tariff reduction, comparison of the prices applied

for goods of the same quality on the different domestic markets and at the frontier of the importing State, average prices ruling at the same period in previous years.

#### *Article 9*

Each year, and for the first time within one year of the adoption of this decision, the Commission shall submit to the Council a report on the application of the provisions of this decision and on the development of trade, both within the Community and with non-member countries, in the products subject to the minimum price system. This report shall be transmitted to the European Parliament.

The Member States shall communicate to the Commission all necessary information concerning the development of trade in products subject to the minimum price system so that this trade may be compared with the actual imports of these products during the three years preceding the entry into force of the Treaty.

On a proposal of the Commission the Council, acting by a qualified majority, shall review the objective criteria. The first such review shall take place within three years of this decision. Subsequent reviews shall be made at intervals not longer than three years.

In reviewing the objective criteria the Council shall take account of technical progress and the development of the common agricultural policy. The purpose of this review is to promote technical progress, bring prices progressively into alignment and further the development of trade within the Community.

#### *Article 10*

This decision is addressed to the Member States and the Commission.

## ANNEX II

### Proposal for a directive of the Council relating to the approximation of the regulations of Member States concerning colouring materials which may be used in food products intended for human consumption

(The Commission's proposal to the Council)

1. The proposal for a directive submitted to the Commission seeks to constitute a first stage in the harmonization of the legislation of Member States relating to colouring materials the use of which is authorized for colouring food products.

It has been prepared by the sub-group on "additives" set up by the Working Party established for the harmonization of legislation on foodstuffs. This sub-group called together experts of the Member States who are responsible for legislation concerning additives to food products; it has been assisted in its work by a Scientific Commission, composed of four distinguished members, holding positions in Conseils Supérieurs d'Hygiène or equivalent bodies in the Member States.

The sub-group, as well as the Working Party on legislation on foodstuffs, except for certain points of disagreement on Article 2, unanimously adopted the draft directive, subject to verbal amendments.

This draft was the subject of an opinion of the Agricultural and Food Industries Committee of the Union of Industries of the European Community (UNICE) and the International Secretariat of Trade Groups in the Chemical Industries of the EEC countries.

2. The directive only constitutes a first stage in the harmonization of regulations. Indeed, it seeks to harmonize the various lists of colouring materials, the use of which in food products is authorized in the Member States. However, it is also necessary to define the conditions under which colouring

materials may be used, particularly the food products which may be coloured by means of one or more or all of the colouring materials specified in the list. At the present stage of the discussions with the experts it has been impossible to reach complete agreement on this point (Art. 5). This harmonization is indeed closely linked to that of the provisions concerning each product, and must, therefore, be the subject of a second stage in the endeavour.

3. Lists of colouring materials, the use of which is authorized for the colouring of the food products, exist in the six Member States. These lists of colouring materials are to be found in the following provisions, which, following the adoption of the directive by the Council, will require to be amended:

1. *Belgium*. Royal Decree of 27 October 1959 concerning colouring materials for food products, published in *Moniteur Belge*, 3 December 1959, brought into force by the Ministerial Decree of 25 August 1960, published in *Moniteur Belge*, No. 223 of 16 September 1960.

2. *Germany*. Ordinance concerning the addition of extraneous colouring matter (*Farbstoff — VO*) of 19 December 1959, *Bundesgesetzblatt* 1959, Volume I, No. 52, p. 756. Ordinance concerning the addition of extraneous colouring matter as an additive to food products (*Allgemeine Fremdstoff Verordnung*) of 19 December 1959 (Gold and Silver), *Bundesgesetzblatt* 1959, p. 742.

3. *France*. Decree of 25 March 1958 amending the Decree of 28 June 1912 con-

cerning the colouring of food products — *Journal Officiel* No. 83, 7-8 and 9 April 1958, p. 3426.

4. *Italy*. Decree of the High Commission for Hygiene and Public Health, 23 December 1957 (*Gazzetta Ufficiale*, 9 January 1958, No. 6).

5. *Luxembourg*. Grand Ducal Decree of 25 August 1959, concerning colouring matter for food products, published in *Mémorial*, No. 44 of 29 September 1959, pp. 1095-1100.

6. *Netherlands*. Royal Decree of 4 August 1958 (*Staatsblad* 407, p. 807), amended 9 October 1959, *Staatsblad* 362, and 20 December 1960, *Staatsblad* 610.

From an examination of these provisions, it appears that no legislative provision within the meaning of Article 100 requires to be amended, so that Article 100 (2) is therefore not applicable and, in consequence, consultation with the Economic and Social Committee and with the Assembly is not necessary from a legal point of view.

4. The principles which have guided the experts of the Member States and the staff of the Commission in preparing the common list have been :

a) The desire to protect public health.

All the colouring materials included have been so included on account of their harmless nature. When a colouring material has hitherto been prohibited in one or more of the Member States, its inclusion in the common list has not been made unless accurate modern toxicological data confirms its harmless nature. In certain cases a long tradition of use without harm to public health in the six Member States has justified the retention on the common list of certain colouring materials for which modern toxicological data does not exist. In some cases, their use has been limited to the colouring of the surface of products.

b) Practical economic considerations.

These considerations have led some experts from the time that the harmless nature of

certain colouring material was established to accept the admission of these colouring materials to the common list, although, hitherto prohibited by their own legislation, but important for the economy of one or more Member States.

Nevertheless, in the desire not to over extend the list of colouring materials some experts withheld authorization of colouring materials the use of which in the economic sphere was not of fundamental importance.

5. For certain colouring materials listed in Article 2, the experts were not unanimous, some objecting to the inclusion of colouring materials without sufficient scientific data, or suggesting their restricted use, whereas others were for the moment neither able to supply scientific data, which does not yet exist, nor to abandon the use of these colouring materials in the economic sphere. It has thus been necessary to provide a time-limit of three years during which the legislation of the Member States on this topic is permitted to remain unaltered, whether it forbids the use of these materials or whether it authorizes it. The Council, at the expiration of this period, on a proposal of the Commission, shall decide upon the authorization of these colouring materials. During this lapse of time, those Member States wanting these colouring materials to be added to the common list shall allow a sufficient time to enable the necessary scientific researches to be made, if they believe them to be necessary. Failing a decision of the Council, these colouring materials shall be prohibited as from the expiration of this period. As respects "erythosin", one of the colouring materials specified in Article 2, it should be noted that the Scientific Commission unanimously issued a recommendation in the following terms: "In so far as toxicological experiments having the specific aim of studying the influence of iodine as a colouring material upon activity of the thyroid, particularly during growing years, have not been made, and may lead to results enabling this possibility to be ruled out, the Scientific Commission recommends that the use of this colouring material should be limited in such a way that its absorption by

children is reduced to the minimum". The sub-group on "additives" had first sought to reach a solution by suggesting limiting the use of this colouring material to the colouring of whole fruit or fruit in segments. Certain experts were not in a position to agree to this compromise in its final form; they stressed the economic considerations, particularly the ease of the use of this colouring material in sweets, and the minute quantities used. The sub-group reached a compromise by which it would report the solution to the question in three years' time, toxicological studies of the type referred to by the Scientific Commission being able to be completed by then, and thus would not include this colouring material in the list in Appendix I, but in that set out in Article 2.

The experts were not able to be unanimous as to the list in Article 2. The Commission has felt it necessary to be guided by the desire manifested by all the experts to restrict as far as possible the list contained in that Article so that the harmonization brought about by Article 1 should not lose its effectiveness.

6. The use of certain materials which have both an aromatic and colouring property has not been regulated on a Community level, in view of the subsidiary colouring property of these products and their limited use because of their aromatic or sapid qualities. The provisions of municipal regulations thus remain in force on this subject (Article 3). However, if active colouring agents are extracted from these materials, and such as crocetin, are not included in the common list, their use is forbidden.

Moreover, it appeared unnecessary to state that the present directive does not cover the use of food products which possess a natural colour and which are employed in the preparation of certain foodstuffs, as, for example, fruit or vegetable juices; nor the use of preservatives in pork butchery which, such as pickling salts, cause a change in the colour of foodstuffs — and the use of which must be regulated at the time of the harmonization of the respective legislation on preservatives.

7. The list which has been harmonized does

not include the colouring materials which may be used (Article 4):

*a)* for the colouring of the shells of hard-boiled eggs. There is there a subsidiary problem, the colouring of Easter eggs in respect of which it has not seemed desirable to specify provisions at this stage;

*b)* for the colouring of tobacco and manufactured tobaccos. This matter must be dealt with later, tobacco not being strictly speaking a food product;

*c)* for the stamping of meat, of citrus fruits, the shells of eggs, the rinds of cheese and of other external parts not usually consumed with the food products. The colouring materials used in the stamping must thus subsequently be unified.

8. The provisions specified in the present directive for the colouring of food products have not been extended to chewing gum (Article 10) which is not a food product within the meaning of the laws of several Member States.

9. On account of the difference in the existing standards of purity in the various countries, it has been necessary to complete the list of colouring materials by the determination of common, general and specific standards of purity. In drawing up the specific standards of purity the work of FAO/WHO has been used as a basis by the members of the Scientific Commission; the report of the Scientific Commission has been accepted by the national experts (Article 8).

The defining of these general and specific standards of purity must be able to be readily adapted to advances in scientific research as well as the industrial methods of preparation. Moreover, if the experts of the Member States and the members of the Scientific Commission believe that the standards of purity must from now on be made compulsory, they believe they must be able to be revised by a rapid procedure, *pari passu* the findings of experiments which will be carried out in the laboratories of the Member States during the first years of the application of the present directive. It is thus proposed to the Council that it should delegate to the



Commission the revision of these standards, which shall decide after consultation with the Member States.

Moreover, supervision of the standards of purity requires the use of methods of analysis, and differences in these may lead in certain cases to differing application in the Member States. It is proposed for the same reasons as those advanced for the revision of the standards of purity, that the Commission should be given the power to determine after consultation with the Member States the methods of analysis to the extent necessary.

10. For similar reasons on account of the differences between materials which it is possible to use for diluting or dissolving the colouring materials, it has been necessary to draw up a list of authorized products (Article 6) subject to the same general standards of purity as for colouring materials (Article 7).

11. In order to enable and facilitate supervision, especially of the observance of the

standards of purity specified for colouring materials intended for human consumption and put on the market, the requirement to give certain information on the packings of these products has been specified, in particular the description "colouring for food products". Although this information is addressed principally to the supervisory services it has seemed to all the experts to be sufficient to enable a product to move freely, that the information should be set out in two languages of the Community, one of Latin origin and the other of German origin.

12. The time within which these provisions must be incorporated by the Member States has been fixed at 12 months; that in which they must be in actual operation in respect of food products intended to be offered for sale for consumption, has been fixed at 24 months, because of the need to exhaust certain stocks which may exist (Article 11).

## Proposal for a directive

*The Council of the European Economic Community,*

*Noting* the provisions of the Treaty establishing the European Economic Community, and in particular those of Article 100,

*Noting* the proposal of the Commission,

*Considering* that within the field of the colouring materials which may be used in food products intended for human consumption, any regulation must primarily take account of the need for the protection of public health,

*Considering*, however, that differences in municipal regulations concerning these materials both hinder the free movement of food products intended for human consumption and may create unequal conditions of competition and thereby have direct incidence upon the establishment of the functioning of the Common Market,

*Considering* that the approximation of these regulations is necessary for the free movement of food products,

*Considering* that the harmonization of the regulations in this field requires, as a first stage, the drawing-up of a single list of the colouring materials, the use of which is authorized for colouring food products, as well as the defining of standards of purity to which these colouring materials must conform; that the harmonization of the conditions under which food products may be coloured must be made the subject of decisions of the Council during a second stage,

*Considering* that, to take account of economic needs in certain Member States, it is necessary to provide a time-limit during which for certain colouring matters the Member States may retain in force the existing authorizations or prohibitions, that at the beginning of this time-limit the Council shall be able to decide, in accordance with the result of scientific

research which will have been completed upon the possible authorization of these colouring materials,

*Has adopted the present directive.*

#### *Article 1*

1. Subject to the contrary provisions of Articles 2, 3 and 4, the Member States may authorize for the colouring of food products only the colouring materials specified in the Appendix I to the present directive and in addition compounds thereof formed with aluminium, calcium, potassium and sodium.

2. The use of the above mentioned materials for the colouring of food products may not be the subject of a general prohibition.

#### *Article 2*

1. During a period of three years from the notification of the present directive, the Member States may retain in force the provisions of the existing municipal regulations concerning the following colouring materials :

- i) Extracts of Persian berries, Rhamnetine, Rhamnasine
- ii) Alkenna, alkannin
- iii) Vegetable caramelin
- iv) Erythrosin
- v) Brilliant acid green BS (Lissamine green)
- vi) Ultramarine, when used for blueing sugars.

2. Before the expiration of the term stated in the preceding paragraph, the Council, on a proposal from the Commission, shall, in conformity with the provisions of Article 100 of the Treaty, determine upon the authorization of these colouring materials. In default whereof, this term shall constitute the date from which the time-limits referred to in Article 12 shall be calculated.

#### *Article 3*

The present directive shall not affect the provisions of the municipal regulations relating to natural materials used in the prepara-

tion of certain food products became of their aromatic or sapid properties, but which nevertheless have a subsidiary colouring effect, in particular paprika, tumeric, saffran, and sandalwood.

#### *Article 4*

The present directive shall not affect the provisions of municipal regulations concerning colouring materials authorized :

- a) For the colouring of the shells of hard-boiled eggs, of tobacco and of manufactured tobacco ;
- b) For the stamping of meat, citrus fruit, cheese rinds, egg shells and other external parts not usually consumed with food products.

#### *Article 5*

The present directive shall not affect either the provisions of municipal regulations specifying the food products permitted to be coloured by means of the materials referred to in Article 1 or the conditions governing this colouring.

#### *Article 6*

The Member States may authorize for diluting or dissolving the colouring materials referred to in Article 1 only the following products and none other :

- Carbonate and sodium bicarbonate
- Sodium chloride
- Sodium sulfate
- Glucoses
- Lactose
- Sucrose
- Dextrins
- Starches
- Ethyl alcohol
- Glycerole
- Sorbitol
- Edible oils and fats
- Beeswax
- Water

#### *Article 7*

Notwithstanding Articles 5 and 6, the Member States may authorize the use of litholrubine BK, even when mixed with paraffin wax, or with other harmless materials, only for the colouring of cheese rinds.

#### *Article 8*

The Member States shall pass all necessary provisions in order that :

- i) The materials referred to in Article 1 and employed to colour food products conform to the general and particular standards of purity laid down in the Appendix II to the present directive.
- ii) The products enumerated in Article 6 and employed to dilute or dissolve the colouring materials referred to in Article 1 conform to the general standards of purity laid down in the Appendix II, section A, paragraph 1 and paragraph 2 *b* to the present directive.

#### *Article 9*

1. The Member States shall pass all necessary provisions in order that the materials referred to in Article 1 shall not be offered for sale unless their packings or containers bear :

- a) The name and the address of the producer or the seller trading within the European Economic Community ;
- b) The heading and the number in accordance with the classification of the European Economic Community of the one or more colouring materials or of their compounds — the number to be stated in this case being that of the one or more colouring materials constituting the compound ;
- c) The statement "colouring for food products".

2. The Member States may not refuse the importation of the materials referred to in Article 1 provided that the information required by the preceding paragraph is given in two official languages of the European Economic Community, one of Germanic origin and the other of Latin origin.

#### *Article 10*

In relation to possible colouring, the provisions of the present directive shall apply to chewing gum.

#### *Article 11*

After consultation with the Member States, the Commission shall determine the methods of analysis necessary in order to supervise the standards of purity laid down in the Appendix II to the present directive ; it may amend these standards of purity after consultation with the Member States.

#### *Article 12*

Within a time-limit of one year from the notification of the present directive, the Member States shall amend their regulations in conformity with the preceding provisions. The new regulations shall apply to products offered for sale within the Member States not later than two years after this notification.

#### *Article 13*

The present directive shall not apply to the provisions of municipal regulations concerning products intended for export outside the European Economic Community.

#### *Article 14*

The present directive is addressed to all the Member States.

## APPENDIX I

### I. Colouring matters for mass or surface colouring

Colour	EEC Classification N° Denomination	Schultz	C.I.	D.F.G. ( <sup>1</sup> )	Chemical name or description
Yellow	1 Curcumin		(1 238) 1 374 75 300	139	1.7 di (4-hydroxy 3-methoxy phenyl) 1.6 heptadiene 3.5 dione
	2 Lactoflavine (Riboflavine)	—	—	111	6.7-dimethyl 9-(D'-1'-ribityl) isoalloxazine; 7.8-dimethyl 10-(2, 3, 4, 5-tetrahydroxypentyl) isoalloxazine
	3 Tartrazine		(640) 737 19 140	64	Trisodium salt of 4(4'-sulpho 1'-phenylazo) [1-(4'-sulphophenyl)-5-hydroxy pyrazole-3-carboxylic] acid
	4 Chrysoine S		(148) 186 14 270	26	Sodium salt of p-sulphobenzene azo-resorcinol or 2.4 dihydroxy azobenzene 4' sulphonic acid
	5 Quinoline Yellow		(801) 918 47 005	97	Disodium salt of 2-(2-quinoleyl) 1.3-indandione sulphonic acid
	6 Fast Yellow		(16) 172 13 015	23	Disodium salt of 1-(4'-sulpho 1'-phenylazo) 4-aminobenzene-5-sulphonic acid
Orange	7 Orange Yellow S	—	15 985	29	Disodium salt of 1-(4'-sulpho 1'-phenylazo) 2-naphthol 6-sulphonic acid
	8 Orange GGN	—	15 980	32	Disodium salt of 1-(3'-sulpho 1'-phenylazo) 2-naphthol 6-sulphonic acid
Red	9 Cochineal, Carminic acid	1 381	(1 239) 75 470	107	Alkaline salts of carminic acid
	10 Orchil	1 386	(1 242) —	141	Colouring matter extracted from litmus
	11 Azorubine		(179) 208 14 720	38	Disodium salt of 2-(4-sulpho-1'-naphthylazo) 1-naphthol 4-sulphonic acid

Colour	EEC Classification N°	Schultz Denomination	C.I.	D.F.G. (1)	Chemical name or description
	12	Amaranth	(184) 212 16 185	40	Trisodium salt of 1-(4'-sulpho 1'-naphthylazo) 2-naphthol 3.6-disulphonic acid
	13	Cochineal red A	(185) 213 16 255	41	Trisodium salt of 1-(4'-sulpho 1'-naphthylazo) 2-hydroxy 6.8-naphthalene disulphonic acid
	14	Scarlet GN	— 14 815	34	Disodium salt of 2-(6'-sulpho 1'-m xylylazo) 1-naphthol 5-sulphonic acid
	15	Ponceau 6 R	(186) 215 16 290	42	Tetrasodium salt of 1-(4'-sulpho 1'-naphthylazo) 2-naphthol 3, 6, 8 trisulphonic acid
Blue	16	Indanthren Blue RS	(1 106) 1 228 69 800	104	N, N' dihydro 1, 1', 2' anthraquinone-1-azine
	17	Patent Blue V	(712) 826 42 051	85	Calcium salt of the sulphonic acid of the anhydrid of m-hydroxy-tetraethyl diamine triphenyl carbinol
	18	Indigotin (Indigo Carmine)	(1 180) 1 309 73 015	105	Disodium salt of indigotine-5.5'-disulphonic acid
Green	19	Chlorophyll	(1 249a) 1 403 75 810	110	<i>Chlorophyll a</i> : magnesium complex of 1, 3, 5, 8 tetramethyl 4-ethyl 2-vinyl 9-keto 10-carbomethoxy 7-phytylpropionate phorbine  <i>Chlorophyll b</i> : magnesium complex of 1, 5, 8 trimethyl 3-formyl 4-ethyl 2-vinyl 9-keto carbomethoxy 7-phytylpropionate phorbine
	20	Copper complexes of Chlorophylls and Chlorophyllins	— —	110	Copper-chlorophyll and copper-chlorophyllin complexes
Brown	21	Caramel	— —	—	Product obtained by heating saccharose or other sugars

Colour	EEC No	Classification Denomination	Schultz	C.I.	D.F.G. (1)	Chemical name or description
Black	22	Brilliant Black BN	—	28 440	58	Tetrasodium salt of [4'-(4-sulpho-1-phenylazo) 7'-sulpho 1'-naphthylazo] 1-hydroxy 8-acetylamino naphthalene 3.5 disulphonic acid
	23	Black 7 984	—	—	—	Tetrasodium salt of [4-(4-sulpho-1-phenyl-azo)-7'-sulpho-1-naphthylazo]-1-hydroxy 7-amino-naphthalene-3.5-disulphonic acid
	24	Carbo medicinalis vegetabilis	1 464	77 266 77 267	—	Vegetable carbon having the qualities of medicinal carbon
	25	<i>Carotenoids</i> :				
		a) alpha, beta, gamma carotene	—	—	—	All 'trans' forms
		b) bixin, norbixin (Rocou, Annatto)	—	—	—	The main colouring matter of the rocou extracts in oils is bixin, colouring matter from the carotenoid group. Bixin is the monomethylic ester of norbixin. Norbixin is a symmetric dicarboxylic acid. The main colouring matter of the rocou aqueous extracts is the alkaline salt of norbixin
		c) capsanthin capsorubine	—	—	—	Extracted from paprika
		d) lycopene				All 'trans' forms
	26	<i>Xanthophylls</i>	1 403	(1 249a)	144	Xanthophylls are ketonic derivatives and /or hydroxylic of carotene
		a) Flavoxanthine				
		b) Lutein				
		c) Kryptoxanthin				
		d) Rubixanthin				
		e) Violoxanthin				
		f) Rhodoxanthin				
	27	Beetroot Red Betanin				Aqueous extract from the root of red beetroot

Colour	EEC Classification N <sup>o</sup>	Schultz Denomination	C.I.	D.F.G. (1)	Chemical name or description
Various	28	<i>Anthocyanins</i>	1 394 1 400	—	112 Anthocyanins are glycosides of 2-phenyl benzopyrylium salts; most are hydroxyl derivatives. The aglucones of anthocyanins are called anthocyanidines. Anthocyanins can be extracted from: strawberries, mulberries, cherries, plums, raspberries, blackberries, black currants, red cabbage, red onions, cranberries, bilberries, aubergines, grapes, elder
		a) Pelargonidin			
		b) Cyanidin			
		c) Peonidin			
		d) Delphinidin			
		e) Petunidin			
		f) Malvidin			

## II. COLOURING MATTERS FOR SURFACE COLOURING ONLY.

29	Calcium Carbonate	1 405	(1 261)	—
			77 220	
30	Titanium dioxide	1 418	1 264)	—
			77 891	
31	Iron hydroxides and oxides	1 276	77 489	—
		1 311	77 491	—
		1 428	77 492	—
		14 29		—
		1 470	77 499	—
32	Aluminium	—	7 700	—
33	Silver	—	—	—
34	Gold	—	—	—

## III. COLOURING MATTERS FOR CERTAIN USES ONLY.

35	Litholrubine BK (for the coloration of the outside of cheese)	194	(163) 15 850	Calcium salt (lake) of 1-(2'-sulpho-4'-methyl 1-phenylazo) 2-naphthol 3-carboxylic acid
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(1) Key to abbreviations : Schultz, Farbstofftabellen, 7th Edition, Leipzig 1931.  
C.I. — number given in brackets : Rowe Colour Index 1924; other numbers : Row Colour Index, Second Edition, Bradford, England, 1956.  
D.F.G. — Toxikologische Daten von Farbstoffen und ihre Zulassung für Lebensmittel in verschiedenen Ländern, zusammengestellt im Auftrag der Kommission von Prof. Dr. G. Hecht, Wuppertal-Elberfeld, Mitteilung 6 der Farbstoff-Kommission der Deutschen Forschungsgemeinschaft, 3rd Edition, Wiesbaden 1957.

## APPENDIX II

### CRITERIA OF PURITY

#### A. General criteria of purity

With the exceptions quoted in the individual criteria in Section B below, the colouring matters mentioned in the Appendix I must comply with the following specifications of purity, the quantities and percentages being calculated on the pure colouring matter.

##### 1) *Mineral impurities* :

a) The colouring matter must contain not more than 5 p.p.m. of arsenic, 20 p.p.m. of lead ;

b) They must contain not more than 100 p.p.m. of the following products, taken individually: antimony, copper, chrome, zinc, barium sulphate ; or more than 200 p.p.m. of these products combined ;

c) They must contain no cadmium, no mercury, no selenium, no tellurium, no thallium, no chromates, no any soluble barium combinations, in detectable quantities.

##### 2) *Organic impurities* :

a) They must contain no betanaphthylamine, no benzidine, no amino-4-diphenyl (or xenylamine) ;

b) They must contain no polycyclic aromatic hydrocarbons ;

c) Synthetic organic dyestuffs must contain not more than 0.01% free aromatic amines ;

d) Synthetic organic dyestuffs must contain not more than 0.5% of synthetic intermediates other than free aromatic amines ;

e) Synthetic organic dyestuffs must contain not more than 4% of auxiliary dyestuffs (isomers, homologues, etc.) ;

f) Sulphonated organic dyestuffs must contain not more than 0.2% of matters extractable by ethyl ether.

#### B. Specific criteria of purity

##### 2. *Lactoflavine (Riboflavine)*

Lumiflavine: Prepare chloroform free from ethanol as follows: shake lightly but carefully, for 3 minutes, 20 ml chloroform with 20 ml water and allow to stand. Separate the layer of chloroform and repeat the operation twice with 20 ml each time. Finally, filter the chloroform on a dry filter paper, shake the filtrate well for 5 minutes with 5 g anhydrous sodium sulphate powder, allow to stand for two hours then decant or filter the clear chloroform. Shake for 5 minutes 20 mg riboflavine with 10 ml ethanol-free chloroform, then filter: the coloration of the filtrate should not be more intense than that of an equal volume of an aqueous solution obtained by making up to 1 000 ml, 3 ml of 0.1 N potassium bichromate.

##### 3. *Tartrazine*

Matter insoluble in water: not more than 0.2%.

Auxiliary dyestuffs: not more than 1%.

##### 4. *Cbrisoine S*

Matter insoluble in water: not more than 0.2%.

##### 5. *Quinoline Yellow*

Matter insoluble in water: not more than 0.2%.

##### 6. *Fast Yellow*

Matter insoluble in water: not more than 0.2%.

Auxiliary dyestuffs: not more than 3%.

Unsulphonated aromatic amines and aniline: not more than 10 p.p.m.



a) Determination of amino-2-azobenzene and amino-4-azobenzene :

Dissolve 20.0 g of fast yellow in 400 ml water and add 5 ml N. sodium hydroxide. Shake in a separating flask with 4 successive 50 ml portions of chlorobenzene, each time for 5 minutes. Wash, with successive 400

ml portions of 0.1 N sodium hydroxide, the combined chlorobenzene extracts until the upper aqueous layer remains uncoloured. Filter the chlorobenzene solution on a folded thick filter paper and measure the absorption ( $E_1$ ) on the spectrophotometer by comparison against that of chlorobenzene contained in cells of appropriate thickness ( $d_1$ ), at 414  $m\mu$

$$\text{Calculation : Content of 2 and 4-aminoazobenzene (p.p.m.)} = \frac{E_1 \times 100}{0.397 \times d_1}$$

$$\text{Note : } E \begin{matrix} 1 \text{ mg/ml} \\ 1 \text{ cm} \end{matrix} \text{ at } 414 \text{ m}\mu \begin{cases} \text{for 2-aminoazobenzene} = 39.7 \\ \text{for 4-aminoazobenzene} = 35.2 \end{cases}$$

The 4-aminoazobenzene content can only be determined up to 90%. The following method can be used to separate the (2) and (4) components. Reduce 100 ml of the chlorobenzene extract to about 20 ml by heating on a water-bath in a stream of hot air. Pour the concentrated solution on a column of alumina (of appropriate dimensions). Use

chlorobenzene as eluant. The first 100 ml of chlorobenzene elutriate contain the 2-aminoazobenzene; the para component is then eluted with chlorobenzene. Bring each of the two solutions to 100 ml. Measure the absorption of the ortho component at 414  $m\mu$  ( $E_2$ ) and that of the para component at 376  $m\mu$  ( $E_3$ ).

$$E \begin{matrix} 1 \text{ mg/ml} \\ 1 \text{ cm} \end{matrix} \quad 414 \text{ m}\mu \text{ for 2-aminoazobenzene} = 39.7$$

$$E \begin{matrix} 1 \text{ mg/ml} \\ 1 \text{ cm} \end{matrix} \quad 376 \text{ m}\mu \text{ for 4-aminoazobenzene} = 110$$

$$\text{Content of 2-aminoazobenzene (p.p.m.)} = \frac{E_2 \times 100}{0.397 \times d_2}$$

$$\text{Content of 4-aminoazobenzene (p.p.m.)} = \frac{E_3 \times 100}{1.10 \times d_3}$$

b) Determination of aniline: Shake 75 ml of the rest of the chlorobenzene extract with successive 50 ml portions of 0.5 N hydrochloric acid followed by two successive 25 ml portions of water. Neutralize the combined aqueous extracts with a 30% solution of sodium hydroxide, then acidify with 10 ml of 0.1 N hydrochloric acid. Dissolve in this solution 1-2 g potassium bromide. After cooling in ice-cold water, add about 20 drops of 0.1 N sodium nitrite and allow to stand for 10 min. Remove the excess of nitrite

by the addition of aminosulphonic acid. Pour the solution in about 5 ml of a 3% solution of R Salt (sodium salt of the 2-naphthol-3.6 sulphonic acid) to which 10 ml of 2 N sodium hydroxide solution have been added. Allow to stand for 15 min. Acidify the dyestuff solution in the presence of Congo Red ST (indicator) and filter. The aminoazobenzene dyestuff is retained. Bring the filtrate to 200 ml, then measure the absorption at 90  $m\mu$ , call it  $E_4$ .

Calculation :

$$\text{Content of aniline (p.p.m.)} = \frac{E_4 \times 266}{2.26 \times d_4}$$

$$\frac{E}{1 \text{ cm}} \frac{1 \text{ mg/ml}}{490 \text{ m}\mu} \text{ for aniline} = 226$$

7. *Orange Yellow S*

Matter insoluble in water : not more than 0.2%.

8. *Orange GGN*

Matter insoluble in water : not more than 0.2%.

9. *Cochineal and carminic acid*

Paper chromatography : with a solution of 2 g trisodium citrate in 100 ml of 5% ammonium hydroxide, the cochineal gives only one stain in the alkaline zone.

11. *Azorubine*

Matter insoluble in water : not more than 0.2%.

Auxiliary dyestuffs : not more than 1 %.

12. *Amaranth*

Matter insoluble in water : not more than 0.2%.

13. *Cochineal Red A*

Matter insoluble in water : not more than 0.2%.

14. *Scarlet GN*

Matter insoluble in water : not more than 0.2%.

15. *Ponceau 6R*

Matter insoluble in water : not more than 0.2%.

17. *Patent Blue V*

Matter insoluble in water : not more than 0.5%.

Chrome (as Cr) : not more than 20 p.p.m.

Auxiliary dyestuffs : not more than 1%.

18. *Indigotin*

Matter insoluble in water : not more than 0.2%.

Auxiliary dyestuffs : not more than 1%.

Isatin sulphonic acid : not more than 1%.

19. *Chlorophylls*

Copper : not more than 200 p.p.m.

20. *Copper complexes of Chlorophylls and Chlorophyllins*

A solution of 1% copper-chlorophyll complex in turpentine must not show haziness or give a deposit.

Copper (free ionizable copper) : not more than 200 p.p.m.

22. *Brilliant Black BN*

Matter insoluble in water : not more than 0.2%.

Auxiliary dyestuffs : not more than 15%. (The presence of auxiliary dyestuffs among which the diacetylated component has been identified is essential to obtain the correct shade.)

Intermediates : not more than 1%.

23. *Black 7 984*

Matter insoluble in water : not more than 0.2%.

Lead : not more than 10 p.p.m.

Arsenic : not more than 2 p.p.m.

24. *Carbo medicinal vegetabilis*

Higher aromatic hydrocarbons : extract 1 g carbon black with 10 g of pure cyclohexane for two hours. The extract must show no coloration ; in ultra-violet light, it must give practically no fluorescence ; it must leave no residue after evaporation.

Tar products : boil 2 g of carbon black in 20 ml N sodium hydroxide, then filter. The filtrate must be uncoloured.

### 25 a. *Alpha, Beta, Gamma Carotene*

Chromatography : by absorption on alumina or silica gel, the pure Beta-Carotene gives only one band.

### 25 b. *Bixin and Norbixin (Rocou, Annato)* Chromatography :

a) Annato : dissolve in benzene an appropriate quantity of Annato or dilute a solution of Annato in benzene sufficiently to obtain the same colour as that of a 0.1% solution of potassium bichromate. Pour 3 ml of the solution on the top of the alumina column ; elute slowly. Wash the column three times with benzene. Bixin is strongly absorbed on the surface of the alumina and forms a brilliant orange red band (different with crocetine).

A very pale yellow band migrates in general very quickly through the column, even with pure crystallized bixin. Bixin does not elute with benzene, petroleum ether, chloroform, acetone, ethanol, or methanol. However, with ethanol and methanol the shade turns from orange to yellowish orange.

Carr-Price Reaction : remove the benzene from the column by washing three times with chloroform previously dehydrated with potassium carbonate. After elution of the last chloroform wash, add on the top of the column 5 ml of Carr-Price reagent. The bixin band turns immediately to green-blue (different from crocetine).

b) Bixin : dissolve 1 to 2 g of crystallized bixin in 20 ml chloroform. Add 5 ml of this solution at the top of the prepared column. Rinse the solution with chloroform previously dehydrated with sodium carbonate and continue as for (a) Carr-Price Reaction.

c) Alkaline solutions of Norbixin : in a 50 ml separating flask place 2 ml of an aqueous solution of Annato. Add an appropriate quantity of 2 N sulphuric acid to obtain a strongly acid reaction. Norbixin

separates out as a red precipitate. Add 50 ml Benzene and shake vigorously. After separation, discard the aqueous layer and wash the benzenic solution with 100 ml water until free of acid. Centrifuge the solution (usually emulsified) of Norbixin in Benzene during 10 minutes at 2 500 revs/min. Separate the clear solution of Norbixin and dehydrate with anhydrous sodium sulphate. Pour 3 to 5 ml of this solution at the top of the alumina column. Norbixine forms, as does bixin, an orange-red band on the surface of the alumina. Treated with the eluants mentioned in (a), norbixin behaves similarly to bixin and gives also the Carr-Price reaction.

### 27. *Beetroot Red and Betanine*

Paper chromatography : with butanol saturated with 2 N hydrochloric acid as solvent (ascending chromatography), betanine gives a sole red stain with brownish trail and low migration.

### 30. *Titanium dioxide*

Matters soluble in hydrochloric acid : prepare a suspension of 5 g Titanium dioxide in 100 ml 0.5 N hydrochloric acid and heat 30 mn on the water-bath with occasional stirring. Filter on Gooch crucible the bottom of which has been covered with three layers—the first of rough asbestos fibres, the second of pulped filter paper, the third of fine asbestos. Wash with 3 successive 10 ml portions of 0.5 N hydrochloric acid. Evaporate the filtrate to dryness in a platinum capsule, then heat to dark red until constant weight. The weight of the residue must not exceed 0.0175 g.

Antimony : not more than 100 p.p.m.

Zinc : not more than 50 p.p.m.

Soluble Barium Salts : not more than 5 p.p.m.

### 31. *Iron hydroxides and oxides*

Selenium : not more than 1 p.p.m.

Mercury : not more than 1 p.p.m.

## ANNEX III

### Draft directive of the Council concerning the campaign against bluemould in tobacco

(Submitted by the Commission to the Council)

*The Council of the European Economic Community*

*Having regard* to the provisions of the Treaty establishing the European Economic Community, and especially Article 43 (2);

*Having regard* to the draft submitted by the Commission;

*Having regard* to the opinion of the European Parliamentary Assembly;

*Considering* that bluemould in tobacco, the pathogenic cause of which is *Peronospora Tabacina*, has until now been widespread only in Australia and in South and North America; that the first case of this disease on the continent of Europe was ascertained in 1959, and that since 1960 it has invaded, in epidemic form, nearly all the tobacco-growing regions of the European Economic Community; that in certain regions the losses have sometimes been as high as 75% of the production; and that by the spring of 1961, reports about the infection of crops in certain Mediterranean regions were again being received;

*Considering* that, owing to the extent of the damage, several international organizations have occupied themselves with this fungus disease; that, in particular, the Co-operation Centre for Scientific Research relative to Tobacco (CORESTA), to which certain official and private institutions in Europe and in other parts of the world are affiliated, has, after a detailed discussion of the subject, passed two resolutions and has decided on one recommendation concerning the campaign against *Peronospora Tabacina* with a view to preventing the spread of the disease; that the European and Mediterranean Plant Protection

Organization (OEPP), to which all the countries within the EEC are affiliated, has adopted, as regards their essential points, the aforesaid resolutions and recommendation; that the rules issued by these two organizations have been brought to the notice of all the States concerned, with a request that they should take steps to draft their legislative and administrative provisions in the light thereof and should observe them in practice; that the majority of the States of the EEC have made full use of the legal powers at their disposal and have, either wholly or in part, implemented the aforesaid resolutions and recommendation;

*Considering* that the rules can have their full effect within the European Economic Community only if all the Member States undertake a concerted action, based on the most up-to-date state of knowledge in the matter, against the pathogenic organism which causes the disease, thereby ensuring that the campaign against bluemould in tobacco is complete and covers all aspects; that, having regard to the epidemic character of this disease only such a co-ordinate campaign will make it possible to avoid considerable further damage to the European tobacco crops, and to ensure an increase in productivity in this limited but structurally important branch of agriculture and to prevent an appreciable reduction in the productive potential of this sector;

*Has decided on the following directive*

#### *Article 1*

The Member States shall prohibit any reproduction or multiplication of crops infected with bluemould (*Peronospora Tabacina*).

### Article 2

1. The Member States shall :

*a)* Prohibit the keeping, either in an open or in a confined space, of living plants of the various kinds of the species *Nicotiana* and of other kinds which are susceptible to infection by bluemould from the end of the normal harvest in each year until the beginning of the usual crop planting season in the following year ;

*b)* Require that during this period of prohibition no soil, either in the open or on closed premises, may carry plants of the above-mentioned kinds.

2. The Member States may allow general exceptions to the provisions enacted pursuant to paragraph (1) in favour of crops of any kinds or varieties of the species *Nicotiana* which are not susceptible to infection by bluemould in tobacco. The same applies to crops used in connection with scientific experiments, with tests or breeding work, provided that the exception carries with it an obligation to give prior notice to the competent authority.

### Article 3

The Member States shall :

*a)* Require the immediate destruction of all tobacco plants and their remains which are on seed beds or other land used for tobacco growing and which will serve no further economic purpose ;

*b)* Prohibit the use, as manure or for soil improvement, of plant waste or remains resulting from the fermentation and processing of harvested tobacco ;

*c)* Require the annual renewal of soil on which tobacco has been sown or, where such renewal is impossible owing to the particular conditions of cultivation, the sterilization of the soil before the next sowing ;

*d)* Prohibit the replanting of tobacco on land infected with bluemould during the year following the infection.

### Article 4

Persons who own or keep plants of the various kinds of the species *Nicotiana* and of the other kinds which are liable to infection by bluemould must be required to notify without delay the competent authority of all cases, including all suspected cases, of infection by bluemould in tobacco, stating the size of the infected crops, the location and the origin of the plants.

### Article 5

The Member States shall require :

*a)* That crops be treated with suitable pesticides, or

*b)* That plants suffering from infection or suspected infection be destroyed, wherever this is necessary as part of the campaign against bluemould or to prevent its spread.

### Article 6

The Member States may allow exceptions :

*a)* From Article 1 in respect of scientific experiments in tobacco growing areas infected by bluemould and in areas where the growing of tobacco is prohibited ;

*b)* From Article 3 paragraphs *a)* and *b)* in respect of years in the course of which only slight attacks of bluemould have appeared ;

*c)* From Article 3 paragraph *d)*, provided that such exceptions do not affect adversely the campaign against bluemould and do not lead to a risk of spreading this parasite.

### Article 7

1. The Member States shall determine the penalties for infringement of the regulations they have made.

2. They reserve the right to issue supplementary regulations concerning the campaign against bluemould or the prevention of its spread.

*Article 8*

As soon as a Member State finds the first signs of infection by bluemould, it shall inform the other Member States by the quickest means, stating where the infection has occurred and how widespread it is.

*Article 9*

The Member States shall implement this directive on or before 31 December 1961,

and the provisions of Article 1 and of Article 2 (1) on or before 31 December 1962. Each Member State shall notify the Commission at once of the measures taken to this effect, and the Commission shall pass this information to the other Member States.

*Article 10*

This directive is addressed to all Member States.