

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 413 final

Brussels, 23rd July 1979

PROPOSAL FOR A COUNCIL DIRECTIVE
AMENDING FOR THE SEVENTH TIME THE COUNCIL DIRECTIVE OF
23 OCTOBER 1962 ON THE APPROXIMATION OF THE RULES
OF THE MEMBER STATES CONCERNING THE COLOURING MATTERS
AUTHORIZED FOR USE IN FOODSTUFFS INTENDED FOR HUMAN CONSUMPTION

(presented by the Commission to the Council)

COM(79) 413 final

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EXPLANATORY NOTE

1. Yellow 2G and Brilliant Blue FCF

1.1 Yellow 2G and Brilliant Blue FCF are colouring matters the temporary use until 31 December 1977 of which was provided for in the Treaty of Accession of Denmark, Ireland and the United Kingdom to allow a complete scientific review of their utility and safety-in-use.

1.2 The Council, acting on a proposal from the Commission, and knowing the opinion of the Scientific Committee for Food (see 1.3 below) extended the original temporary approval to January 1981 of Yellow 2G, Brilliant Blue FCF and certain other colouring matters to allow sufficient time for any studies on their safety-in-use to be completed.

1.3 In 1975 the Scientific Committee for Food¹ recommended that a number of toxicological studies should be carried out on several colouring matters. The Committee reviewed the advancement of these studies and has now reported to the Commission² that the studies on Brilliant Blue FCF have been completed but that no studies are known to be under way on Yellow 2G. Studies on other colouring matters are well under way. The Committee has therefore advised the Commission that Yellow 2G can no longer be considered toxicologically acceptable; that Brilliant Blue FCF can be incorporated in the Community list; and that in respect of other temporarily approved colouring matters for which research is under way the Committee can accept their use until the studies in question have been evaluated (during 1981).

1.4 The Commission has accepted the opinion of the Committee and the present proposal implements its advice by deleting Yellow 2G from the list and transferring Brilliant Blue FCF to Annex I under number E 133.

¹Reports of the Scientific Committee for Food 1st Series (1975)

²Reports of the Scientific Committee for Food 8th Series (in press)

2. Carrageenan (E 407) and Gum Arabic (E 414).

2.1 Carotenoid colouring matters can only with difficulty be dispersed in an aqueous medium (e.g. soft drinks). The use of carrageenan and gum arabic facilitates this operation. These substances already figure on the Community list of emulsifiers, stabilizers, thickeners and gelling agents and their use as diluents for these particular colouring matters poses no health problem.

2.2 Nevertheless as the Commission Services are examining the principles involved in the inclusion in the Directive on colouring matters a list of substances for diluting and dissolving colouring matters it seems premature to include these substances definitively on the list at this moment. The proposal therefore includes them temporarily in Annex II.

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Proposal for a Council Directive amending for the seventh time the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized 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 from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Whereas Annex II to the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption⁴, as last amended by Directive 78/144/EEC⁵, lays down a list of colouring matters which may temporarily be authorized by the Member States;

Whereas, in the light of present-day requirements regarding the safety in use of colouring matters, Yellow 2G should no longer be permitted for use in foodstuffs;

Whereas the prohibition so required should be given effect under conditions which ensure the protection of public health, while avoiding as far as possible all disruption of a technological and economic nature;

Whereas having regard to the most recent scientific and toxicological information on Brilliant Blue FCF it is possible to authorize this colouring matter within the Community;

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⁴OJ No 115, 11.11.1962, p. 2645/62

⁵OJ No L 44, 15.2.1978, p. 20

Whereas the use of the carotenoid colouring matters E 160 and E 161 is facilitated by their dilution with carrageenan (E 407) and gum arabic (E 414); whereas the Commission is reviewing the use of all substances used for diluting and dissolving colouring matters and it is therefore not possible to take a final decision on whether these two substances should be authorized within the Community,

HAS ADOPTED THIS DIRECTIVE::

Article 1

The Directive of 23 October 1962 is hereby amended as follows:

- 1. The indent in Annex II referring to Brilliant Blue FCF is transferred to Annex I and inserted between E 132 and E 140 under the number E 133
- 2. The following substances are added to part (B) of Annex II under the conditions specified:

Carrageenan (exclusively for the colouring matters listed under numbers E 160 and E 161 in Annex I)

Gum Arabic (exclusively for the colouring matters listed under numbers E 160 and E 161 in Annex I)

- 3. The colouring matter Yellow 2G is deleted from part (A) of Annex II from 1 July 1980.

Article 2

The marketing of foodstuffs containing Yellow 2G shall be prohibited as from 1 July 1981.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive:
- for Article 1(3) not later than 1 July 1980;

- with the exception of Article 1(3) not later than 1 July 1981,
and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done

For the Council

The President