

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 217 final - SYN 43

Brussels, 2 May 1989

SECOND AMENDED PROPOSAL FOR

A COUNCIL DIRECTIVE

amending for the eighth time the Directive of 23 October 1962
on the approximation of the rules of the Member States
concerning the colouring matters that are authorized for use in foodstuffs
intended for human consumption (COM(85)474 final)

(presented by the Commission pursuant to the
third paragraph of Article 149 of the EEC Treaty)

EXPLANATORY NOTE

On 14 March 1989 the European Parliament adopted a resolution putting forward certain amendments to the Commission's proposal for an amendment to the proposal for an eighth amendment to the Council Directive on colouring matters which can be used in food.

Vice-President Bangemann accepted that the Commission would modify its proposal to add the use of Erythrosine as a food additive in cherry pulp. This amendment is set out in point 2 of the attached proposal which for clarity sets out the complete list for Erythrosine, the new amendment being underlined.

Council Directive 89/107/EEC on food additives adopted on 22 December 1988 delegates the fixing of criteria of purity for food additives to the Commission. It is therefore proposed in point 3 of the attached proposal to withdraw these purity criteria, which are contained in Annex 2 of the amended proposal.

The two recitals referring to this Annex should be deleted as set out in point 1 of the attached proposal.

Second amended proposal for a Council Directive amending for the eighth time the Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters that are authorized for use in foodstuffs intended for human consumption (COM(85) 474 final) ⁽¹⁾

COM(89) 217 final — SYN 43

(Submitted by the Commission pursuant to the third paragraph of Article 149 of the EEC Treaty on 2 May 1989)

(89/C 135/08)

In response to the opinion delivered by the European Parliament on the amended proposal for a Council Directive amending for the eighth time the Council Directive on the approximation of the laws of the Member States on colouring matters which can be used in food ⁽²⁾ and in response to the adoption of Council Directive 89/107/EEC ⁽³⁾ on food additives which delegates the laying down of purity criteria of food additives to the Commission, and in accordance with the third paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend for a second time the proposal for an eighth modification, as follows:

- (a) delete the sixth and seventh whereas of the amended proposal;
- (b) the text in the amended proposal referring to 'Erythrosine' (E 127) reads as follows (additions in *italics*):

| 'EEC No | Common name | Colour index number ⁽¹⁾ and name or chemical description |
|---------|--|--|
| E 127 | Erythrosine — cocktail cherries — cherries — glacé cherries — cherries — canned mixed fruit — cherries — canned cherries — cherries — <i>pulp of cherries</i> | 45 430 (Food Red 14) 350 mg/kg 150 mg/kg 150 mg/kg 150 mg/kg <i>150 mg/kg</i> |

- (c) delete Annex 2 to the modified proposal.

⁽¹⁾ OJ No C 278, 30. 10. 1985, p. 4.

⁽²⁾ OJ No C 115, 11. 11. 1962, p. 2645.

⁽³⁾ OJ No L 40, 11. 2. 1989, p. 27.