II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 March 1986

amending for the fourth time Directive 74/329/EEC on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

(86/102/EEC)

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 (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Directive 74/329/EEC (4), as last amended by Directive 85/6/EEC (5), lays down a list of emulsifiers, stabilizers, thickeners and gelling agents which may be authorized for use in foodstuffs;

Whereas Annex II to Directive 74/329/EEC indicates the designations of the substances which may be temporarily authorized by Member States for use in foodstuffs, and whereas the validity of each authorization is limited to 30 September 1985;

Whereas the period of temporary authorization for the polysorbates must be prolonged so that these substances may be re-evaluated in the light of any new information not previously assessed;

Whereas the use of Tragacanth gum (E 413) should be re-evaluated after an enquiry by the Commission;

Whereas, for Karaya gum and thermally oxidized soya bean oil interacted with mono- and di-glycerides of fatty acids, a further period of temporary authorization must be provided to permit the completion of certain toxicological and technological investigations so that a decision can be taken on the possibility of inclusion of these substances in Annex I to Directive 74/329/EEC or their deletion from the said Directive;

Whereas in the light of the recent toxicological investigations, pectin and amidated pectin can be considered as equivalent;

Whereas polyoxyethylene (8) stearate, polyoxyethylene (40) stearate, lactylated fatty acid esters of glycerol and propylene glycol, and dioctyl sodium sulphosuccinate must no longer be used in foodstuffs after a temporary period to allow the sale of foodstuffs containing these substances which are already on the market,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 74/329/EEC is hereby amended as follows:

1. Paragraph 2 of Article 2 shall be replaced by the following:

'2. However, as regards Tragacanth gum referred to in Annex I under E 413, the Commission shall make an enquiry and, on the basis of the results of this enquiry, propose where appropriate to the Council, that a decision be taken by not later than 31 December 1988, in accordance with the procedure provided for in Article 100 of the Treaty, to delete it form the Annex or otherwise change its status as appropriate.';

(1) OJ No C 247, 15. 9. 1984, p. 3.
(2) OJ No C 12, 14. 1. 1985, p. 109.
(3) OJ No C 44, 15. 2. 1985, p. 2.
(4) OJ No L 189, 12. 7. 1974, p. 1.
(5) OJ No L 155, 3. 1. 1985, p. 21.