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COUNCIL DIRECTIVE

on the approximation of the rules of the Member States concerning the colouring matters authorised for use in foodstuffs intended for human consumption

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 227 (2) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas all rules relating to the colouring matters which may be used in foodstuffs intended for human consumption must give priority to the protection of public health, but the protection of the consumer against falsification and the needs of the economy must also be taken into consideration;

Whereas differences between national rules concerning these colouring matters hinder the free movement of foodstuffs and may create conditions of unfair competition, thereby directly affecting the establishment or functioning of the common market;

Whereas the approximation of these rules is necessary for the free movement of foodstuffs;

Whereas the harmonisation of such rules must involve, as a first stage, the establishment of a single list of colouring matters whose use is authorised for colouring foodstuffs and the laying down of criteria of purity which those colouring matters must satisfy, while, during a second stage, the Council is to take decisions on the harmonisation of the conditions governing the colouring of foodstuffs;

Whereas, in order to take the economic needs of certain States into account, a period should be set during which such Member States may, in respect of certain colouring matters, retain their existing rules, it being understood that during that period the Council may, in the light of any scientific research carried out, take decisions as to the authorisation of such colouring matters;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Save as otherwise provided in Article 2, 3, 4 or 13, Member States shall not authorise the use for colouring foodstuffs intended for human consumption (hereinafter called 'foodstuffs') of any colouring matters other than those listed in Annex I.

2. The use of such colouring matters for colouring foodstuffs shall not be subject to any general prohibition.

3. Where the use in foodstuffs of one of the colouring matters listed in Annex I might endanger human health, a Member State may, for a maximum period of one year, suspend the authorisation to use that colouring matter in foodstuffs. It shall inform the other Member States and the Commission of any such suspension within one month. The Council shall, acting unanimously on a proposal from the Commission and by directive, forthwith decide whether the list in Annex I should be amended and, if so, to what extent. The Council may, if necessary, extend the period set in the first sentence of this paragraph.

4. The provisions of this Directive shall also apply to imported products, whether or not processed, intended for consumption within the Community.

Article 2

1. For a period of three years following notification of this Directive, Member States may maintain the provisions of their existing national rules concerning the colouring matters listed in Annex II.

2. Before expiry of the period set in paragraph 1, the Council may, under Article 100 of the Treaty, act on a proposal for a directive authorising the use of these colouring matters. Authorisation may be granted only if, after scientific investigation, these colouring matters are proved harmless to health and if their use is necessary for economic reasons. Where the Council has not acted within the period set in paragraph 1, Article 12 shall apply.

Article 3

This Directive shall not affect national rules concerning natural substances which are used in the manufacture of certain foodstuffs because of their aromatic, sapid or nutritive properties but which also have a subsidiary colouring property, for example paprika, turmeric, saffron and sandal-wood in particular.

Article 4

This Directive shall not affect national rules concerning colouring matters authorised:

(a) for colouring the shells of hard boiled eggs, tobacco and manufactured tobacco;

(b) for stamping meat, citrus fruit, cheese-rinds, the shells of eggs and other external parts not usually consumed with the foodstuffs.

Article 5

This Directive shall not affect national rules specifying which foodstuffs may be coloured by means of the colouring matters listed in Annexes I and II or on what conditions they may be so treated.

Article 6

The Member States shall, for diluting or dissolving the colouring matters listed in Annex I, authorise the use of the following products only:

Sodium carbonate and sodium hydrogen carbonate
Sodium chloride
Sodium sulphate
Glucose
Lactose
Sucrose
Dextrins
Starches
Ethanol
Glycerol
Sorbitol
Edible oils and fats
Beeswax
Water.

Article 7

By way of derogation from Articles 5 and 6, Member States may authorise the use of pigment rubine and of burnt umber, whether or not mixed with paraffin wax or with other harmless substances, only for colouring cheese-rinds.

Article 8

The Member States shall take all measures necessary:

— to ensure that the colouring matters listed in Annex I, where these are used to colour foodstuffs, satisfy the criteria, both general and specific, laid down in Annex III;

— to ensure that the products listed in Article 6, where these are used to dilute or dissolve the colouring matters listed in Annex I, satisfy the general criteria of purity laid down in Annex III, Section A (1) and (2) (b).

Article 9

1. The Member States shall take all measures necessary to ensure that the colouring matters listed in Annex I are placed on the market only if their packagings or containers bear:

(a) the name and address of the manufacturer or of the seller established within the European Economic Community;

(b) the number of colouring matter or matters according to the European Economic Community numbering system given in Annex I;

(c) the words 'colouring matter for foodstuffs'.

2. If the information required under paragraph 1 appears on the packagings or containers and if the words required under paragraph 1 (c) are given in two of the official languages of the Community, one of Germanic and the other of Latin origin, Member States shall not refuse to allow the importation of colouring matters listed in Annex I solely on the grounds that they consider the labelling inadequate.

Article 10

This Directive shall apply to chewing gum in so far as the latter contains any colouring matter.

Article 11

1. The Council, acting unanimously on a proposal from the Commission, may amend by directive the

criteria of purity laid down in Annex III if it becomes evident, in particular in the light of scientific research, that this is necessary for the protection of public health.

2. After consulting the Member States, the Commission shall establish by directive the methods of analysis needed to verify that the criteria of purity laid down in Annex III are satisfied.

Article 12

1. Member States shall, within a period of one month following notification of this Directive, amend their rules in accordance with the above provisions. The rules thus amended shall apply to products placed on the market in Member States not later than two years after that notification.

2. Where the last sentence of Article 2 (2) is applicable, the date of expiry of the period set in that Article shall be substituted for the date of notification referred to in the preceding paragraph.

Article 13

This Directive shall not affect the provisions of national rules concerning products intended for exportation from the Community.

Article 14

This Directive shall also apply in the French overseas departments.

Article 15

This Directive is addressed to the Member States.

Done at Brussels, 23 October 1962.

For the Council

The President

E. GOLOMBO

ANNEX I

The colouring matters referred to in Article 1 of this Directive are listed in the three sections below.

The chemical name given is usually that of the colouring matter when combined with sodium. Except as provided in respect of No E 180, pigment rubine, the use is authorised of the acid itself, of the colouring matter combined with sodium, calcium, potassium and aluminium, whether these combinations are mentioned or not, and of other combinations where stated.

Synthetic chemical products which are identical to the natural colouring matters listed below are also authorised.

Colour	EEC No.	Common name[1]	Schultz	CI	DFG[2]	Chemical formula or description
		I. Colouring matter for both mass and surface colouring				
Yellow	E 100	Curcumin	1 374	(1 238) 75 300	139	1, 1, 7-di-(4-hydroxy-3-methoxyphenyl) hepta-1, 6-diene-3,5 dione
	E 101	Lactoflavin (Riboflavin)	—	—	111	6, 7-dimethyl-9-(D'-1'-ribityl) isoalloxazine: 7, 8-dimethyl-10-(2, 3, 4, 5-tetrahydroxy-pentyl) isoalloxazine.
	E 102	Tartrazine	737	(640) 19 140	64	Trisodium salt of 5-hydroxy-1-p-sulphophenyl 1-4-p-sulphophenyl-azopyrazole-3-carboxylic acid
	E 103	Chrysoine S	186	(148) 14 270	26	Sodium salt of p-sulphobenzene azoresoroinol, or 2, 4-dihydroxyazobenzene-4-sulphonic acid
	E 104	Quinoline yellow	918	(801)[3] (47 005)[3]	97	Sodium salt of a mixture of the mono- and disulphonic acids (mainly the latter) of quinophthalone or 2-quinolylindandione
	E 105	Fast Yellow AB	172	(16) 13 015	23	Disodium salt of 1-(4-sulpho-1-phenylazo)-4-aminobenzene-5-sulphonic acid
Orange	E 110	Orange yellow S sunset yellow FCF	—	15 985	29	Disodium salt of 1-p-sulphophenylazo-2-naphthol-6-sulphonic acid
	E 111	Orange GGN	—	15 980	32	Disodium salt of 2-(4-sulpho-1-naphthylazo)-1-naphthol-4-sulphonic acid
Red	E 120	Cochineal carminic acid	1 381	(1 239) 75 470	107	extract of *Coccus cacti* (including ammonium salts
	E 121	Orchil, orcein	1 386	(1 242)	141	extract obtained with ammonia solution in air, of the red colouring matter of the species *Roccella, Lichanora* and *Orchella*
	E 122	Azorubine Carmoisine	208	(179) 14-720	38	Disodium salt of 2-(4-sulpho-1-naphthylazo)-1-naphthol-4-sulphonic acid
	E 123	Amaranth	212	(184) 16 185	40	Trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid
	E 124	Cochineal Red A Ponceau 4R	213	(185) 16 255	41	Trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-6, 8-disulphonic acid
	E 125	Scarlet GN	—	14 815	34	Disodium salt of 2-(6'-sulpho-2' + 4'-xylylazo)-1-naphthol-3, 6, 8-trisulphonic acid

Colour	EEC No	Common name[1]	Schultz	CI	DFG[2]	Chemical formula or description
Red (Cont'd)	E 126	Ponceau 6R	215	(186) 16 290	42	-Tetrasodium salt of 1-(4-sulpho-1--naphthylazo)-2-naphthol-3, 6, 8-trisulphonic acid
Blue	E 130	Anthraquinone blue (solanthrene blue RS)	1 228	(1 106) 69 800	104	-N:N'-dihydro-1,2,1,2'-anthraquinoneazine (Indanthrone)
	E 131	Patent Blue V	826	(712) 42 051	85	Calcium salt of the disulphonic acid of m-hydroxytetraethyl diaminotriphenyl -carbinol anhydride
	E 132	Indigotin (indigo carmine)	1 309	(1 180) 73 015	105	Disodium salt of indigotin-5, 5-disulphonic acid
Green	E 140	chlorophylls	1 403	(12 49a) 75 810	110	*Chlorophyll a:* magnesium complex of 1, 3, 5, 8-tetramethyl-4-ethyl-2-vinyl-9-oxo-10-methoxycarbonylphorbin-7-propionic acid phytyl ester *Chlorophyll b:* magnesium complex of 1,5,8-trimethyl-4-ethyl-2-vinyl-3-formyl-9-oxo-10-methoxycarbonylphorbin-7-propionic acid phytyl ester
	E 141	Copper complexes of chlorophylls and chlorophyllins	—	—	110	Copper chlorophyll complex and copper chlorophyllin complex
Brown	E 150	Caramel[4]	—	—	—	Product obtained exclusively by heating saccharose or other sugars
Black	E 151	Brilliant Black BN, Black PN	—	28 440	58	Tetrasodium salt of 8-acetamido-2-(7-sulpho-4-p-sulphophenylazo-1-naphthylazo)-1-naphthol-3, 5-disulphonic acid
	E 152	Black 7984	—	—	—	Tetrasodium salt of 1[4-(4-sulpho-1-phenylazo)7-sulpho-1-naphthylazo]-1-hydroxy-7-amino-naphthalene-3, 6-disulphonic acid
	E 153	Carbo medicinalis vegetalis (charcoal)	—	—	—	vegetable charcoal having the same properties as medicinal charcoal
Various shades	E 160	*Carotenoids:*				
		(a) alpha-, beta-, gamma-carotene	—	—	—	All the *trans* forms
		(b) Bixin, Norbixin (Roucou, Annatto)	—	—	—	Bixin, a carotenoid colour, is the principal colouring of oil extracts of Annatto: it is the monomethyl ester of Norbixin Norbixin is a symmetrical dicarboxylic acid: its alkali salt is the principal colouring of aqueous extracts of Annatto
		(c) Capsanthhein Capsantin, Capsorbin	—	—	—	paprika extract
		(d) Lycopene	—	—	—	All the *trans* forms