

DIRECTIVE 97/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 October 1997

amending for the third time Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

Whereas the Scientific Committee for Food has reexamined all the extraction solvents listed in Directive 88/344/EEC ⁽⁴⁾, with a view to replacing the provisional acceptable daily intakes (ADIs) set in 1981 by definitive figures; whereas this has not always been possible because the information needed, although requested from the industry, has not been communicated; whereas, on the basis of the information received, the Scientific Committee for Food has been able to confirm its agreement for the majority of the solvents; whereas the maximum residues of the solvents in certain foodstuffs can be reduced;

Whereas some solvents are no longer used and should thus be taken off the list;

Whereas as a result of scientific progress other substances have been developed which can be added to the Directive; whereas a new solvent which has received a favourable opinion from the Scientific Committee should be authorized;

Whereas this new solvent, namely 1, 1, 1, 2-tetrafluoroethane, is used solely for the extraction of flavourings and whereas residues in foodstuffs do not exceed 0,02 mg/kg; whereas, apart from those residues, the solvent is fully recycled, so that its use under these conditions has no impact on global warming of the atmosphere;

Whereas the amendments needed, in the light of technical and scientific progress, amount to measures of a technical nature; whereas to simplify and speed up the procedure, adoption of these measures should be entrusted to the Commission;

Whereas a procedure of this kind makes for quicker placing on the market of innovations, which is to the benefit of both industry and the consumer,

⁽¹⁾ OJ C 278, 24. 9. 1996, p. 25.

⁽²⁾ OJ C 66, 3. 3. 1997, p. 3.

⁽³⁾ Opinion of the European Parliament of 23 October 1996 (OJ C 347, 18. 11. 1996, p. 58), Council Common Position of 24 March 1997 (OJ C 157, 24. 5. 1997, p. 4) and Decision of the European Parliament of 15 July 1997 (OJ C 286, 22. 9. 1997). Council Decision of 7 October 1997.

⁽⁴⁾ OJ L 157, 24. 6. 1988, p. 28. Directive as last amended by Directive of the European Parliament and of the Council 94/52/EC (OJ L 331, 21. 12. 1994, p. 10).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 88/344/EEC is hereby amended as follows:

(1) The following paragraph shall be added to Article 4:

'(a) The necessary amendments to the Annex in the light of scientific and technical progress in the field of the use of solvents, their conditions of use and maximum residue limits.'

Former paragraphs (a), (b) and (c) become paragraphs (b), (c), and (d) respectively.

(2) The Annex shall be amended as follows:

(a) PART I

The substance 'Butyl acetate' shall be deleted.

(b) PART II

The entry for hexane shall be amended as follows:

'Name	Conditions of use (summary description of extraction)	Maximum residue limits in the extracted foodstuff or food ingredient
Hexane (*) (*)	Production or fractionation of fats and oils and production of cocoa butter	1 mg/kg in the fat or oil or cocoa butter
	Preparation of defatted protein products and defatted flours	10 mg/kg in the food containing the defatted protein products and the defatted flours
	Preparation of defatted cereal germs	30 mg/kg in the defatted soya products as sold to the final consumer 5 mg/kg in the defatted cereal germs.'

(*) The text of the footnote to which footnote (*) refers remains unchanged.

(c) PART III

— The substance 'methyl-propan-1-ol' shall be deleted.

— The following substance shall be added:

'Name	Maximum residue limits in the foodstuff due to the use of extraction solvents in the preparation of flavourings from natural flavouring materials
1,1,1,2-tetrafluoroethane	0,02 mg/kg'

Article 2

1. Member States shall amend their laws, regulations and administrative provisions so as to:
 - authorize trade in products complying with Directive 88/344/EEC, as amended by this Directive by 27 October 1998 at the latest;

- ban trade in products not complying with Directive 88/344/EEC, as amended by this Directive, as from 27 April 1999. However, products placed on the market or labelled before that date and not complying with Directive 88/344/EEC, as amended by this Directive, may be marketed until stocks are used up.

They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 October 1997.

For the European Parliament

The President

J.M. GIL-ROBLES

For the Council

The President

R. GOEBBELS
