

**COMMISSION DIRECTIVE 2004/4/EC****of 15 January 2004****amending Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs <sup>(1)</sup>, and in particular Article 3(3) thereof,

Whereas:

(1) It is necessary to amend Commission Directive 96/3/EC of 26 January 1996 granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea <sup>(2)</sup>, in order to take account of scientific developments.

(2) On the basis of evaluations carried out by the Scientific Committee on Food and, in particular, of its opinion of 20 September 1996, as amended on 12 June 1997 (107th plenary meeting), and the updated opinion of 4 April 2003 on the potential risk to human health arising from the transport in ships' tanks of oils and fats from substances proposed as acceptable previous cargoes, it is necessary to amend the list of acceptable previous cargoes set out in the Annex to Directive 96/3/EC.

(3) In the case of cyclohexanol, 2,3-butanediol, iso-butanol and nonane, the information available was inadequate or needed additional clarification to allow a sound scientific assessment of the toxicological properties and the Scientific Committee on Food was unable to carry out the requested evaluations. These substances were considered by the Scientific Committee on Food not acceptable as previous cargoes and therefore should be removed from the list of acceptable previous cargoes.

(4) In the case of methyl esters of fatty acids (laurate, palmitate, stearate, oleate), acetic anhydride, ammonium polyphosphate, propylene tetramer, propyl alcohol, sodium silicate, in view of data available, the assessment of the Scientific Committee on Food has resulted in the acceptance of these substances as previous cargoes. These substances should be therefore added to the list of acceptable previous cargoes.

(5) In the case of iso-decanol, iso-nonanol, iso-octanol, montan wax, paraffin wax and white mineral oils the information available was inadequate to carry out a complete evaluation. However, according to the opinion of the Scientific Committee on Food, these substances

may be considered as provisionally acceptable as previous cargoes considering their unlikely genotoxic potential, their easy removal by tank cleaning procedures and the very low residues expected as a result of these factors and their likely dilution.

(6) These provisionally acceptable substances should be reassessed on the basis of new scientific data and the Annex reviewed as appropriate within an adequate period of time. The data needed for the above evaluation should be provided, in particular, by relevant food business operators.

(7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annex to Directive 96/3/EC is replaced by the Annex hereto.

*Article 2*

The substances iso-decanol, iso-nonanol, iso-octanol, montan wax, paraffin wax and white mineral oils, shall be reassessed on the basis of new scientific data and the Annex reviewed as appropriate by 31 December 2006.

*Article 3*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 June 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 4*

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

<sup>(1)</sup> OJ L 175, 19.7.1993, p. 1.

<sup>(2)</sup> OJ L 21, 27.1.1996, p. 42.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 15 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX

## ‘ANNEX

## LIST OF ACCEPTABLE PREVIOUS CARGOES

Substance (synonyms)	CAS No
Acetic acid	64-19-7
Acetic anhydride (ethanoic anhydride)	108-24-7
Acetone (dimethylketone; 2-propanone)	67-64-1
Acid oils and fatty acid distillates — from vegetable oils and fats and/or mixtures thereof and animal and marine fats and oils	
Ammonium hydroxide (ammonium hydrate; ammonia solution; aqua ammonia)	1336-21-6
Ammonium polyphosphate	68333-79-9 10124-31-9
Animal, marine and vegetable and hydrogenated oils and fats (other than cashew shell nut and crude tall oil)	
Beeswax (white and yellow)	8006-40-4 8012-89-3
Benzyl alcohol (pharmaceutical and reagent grades only)	100-51-6
Butyl acetates (n-; sec-; tert-)	123-86-4 105-46-4 540-88-5
Calcium chloride solution is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted.	10043-52-4
Calcium lignosulphonate	8061-52-7
Candelilla wax	8006-44-8
Carnauba wax — (Brazil wax)	8015-86-9
Cyclohexane (hexamethylene; hexanaphthene; hexalhydrobenzene)	110-82-7
Epoxidised soyabean oil (with a minimum 7 % — maximum 8 % oxirane oxygen content)	8013-07-8
Ethanol (ethyl alcohol)	64-17-5
Ethyl acetate (acetic ether, acetic ester, vinegar naphtha)	141-78-6
2-Ethylhexanol (2-ethylhexyl alcohol)	104-76-7
Fatty acids:	
Arachidic acid (eicosanoic acid)	506-30-9
Behenic acid (docosanoic acid)	112-85-6
Butyric acid (n-butyric acid; butanoic acid; ethyl acetic acid; propyl formic acid)	107-92-6
Capric acid (n-decanoic acid)	334-48-5
Caproic acid (n-hexanoic acid)	142-62-1

Substance (synonyms)	CAS No
Caprylic acid (n-octanoic acid)	124-07-2
Erucic acid (cis-13-docosenoic acid)	112-86-7
Heptoic acid (n-heptanoic acid)	111-14-8
Lauric acid (n-dodecanoic acid)	143-07-7
Lauroleic acid (dedecenoic acid)	4998-71-4
Linoleic acid (9,12-octadecadienoic acid)	60-33-3
Linolenic acid (9,12,15-octadecatrienoic acid)	463-40-1
Myristic acid (n-tetradecanoic acid)	544-63-8
Myristoleic acid (n-tetradecenoic acid)	544-64-9
Oleic acid (n-octadecenoic acid)	112-80-1
Palmitic acid (n-hexadecanoic acid)	57-10-3
Palmitoleic acid (cis-9-hexadecenoic acid)	373-49-9
Pelargonic acid (n-nonanoic acid)	112-05-0
Ricinoleic acid (cis-12-hydroxy octadec-9-enoic acid; castor oil acid)	141-22-0
Stearic acid (n-octadecanoic acid)	57-11-4
Valeric acid (n-pentanoic acid; valerianic acid)	109-52-4
Fatty alcohols:	
Butyl alcohol (1-Butanol; butyric alcohol)	71-36-3
Caproyl alcohol (1-hexanol; hexyl alcohol)	111-27-3
Capryl alcohol (1-n-octanol; heptyl carbinol)	111-87-5
Cetyl alcohol (alcohol C-16; 1-hexadecanol; cetylic alcohol; palmityl alcohol, n-primary hexadecyl alcohol)	36653-82-4
Decyl alcohol (1-decanol)	112-30-1
Enanthyl alcohol (1-heptanol; heptyl alcohol)	111-70-6
Lauryl alcohol (n-dodecanol; dodecyl alcohol)	112-53-8
Myristyl alcohol (1-tetradecanol; tetradecanol)	112-72-1
Nonyl alcohol (1-nonanol; pelargonic alcohol; octyl carbinol)	143-08-8
Oleyl alcohol (octadecenol)	143-28-2
Stearyl alcohol (1-octadecanol)	112-92-5
Tridecyl alcohol (1-tridecanol)	27458-92-0 112-70-9
Fatty alcohol blends:	
Lauryl myristyl alcohol (C12-C14)	
Cetyl stearyl alcohol (C16-C18)	

Substance (synonyms)	CAS No
Fatty acids esters — any ester produced by the combination of the above listed fatty acids with any of the above listed fatty alcohols. Examples of these are butyl myristate, oleyl palmitate and cetyl stearate	
Fatty acid methyl esters:	
Methyl laurate (methyl dodecanoate)	111-82-0
Methyl palmitate (methyl hexadecanoate)	112-39-0
Methyl stearate (methyl octadecanoate)	112-61-8
Methyl oleate (methyl octadecenoate)	112-62-9
Glycols:	
Butanediol	
1,3 butanediol (1.3 butylene glycol)	107-88-0
1,4 butanediol (1.4 butylene glycol)	110-63-4
Polypropylene glycol (molecular weight greater than 400)	25322-69-4
Propylene glycol (1.2 propylene glycol; propan-1,2-diol; 1,2-dihydroxypropane; mono-propylene glycol (MPG); methyl glycol)	57-55-6
1,3-Propylene glycol (trimethylene glycol; 1,3-propanediol)	504-63-2
n-Heptane	142-82-5
n-Hexane (technical grades)	110-54-3 64742-49-0
iso-Butyl acetate	110-19-0
iso-Decanol (isodecyl alcohol)	25339-17-7
iso-Nonanol (isononyl alcohol)	27458-94-2
iso-Octanol (isooctyl alcohol)	26952-21-6
Magnesium chloride solution	7786-30-3
Methanol (methyl alcohol)	67-56-1
Methyl ethyl ketone (2-butanone)	78-93-3
Methyl isobutyl ketone (4-methyl-2-pentanone)	108-10-1
Methyl tertiary butyl ether (MTBE)	1634-04-4
Molasses	57-50-1
Montan wax	8002-53-7
Paraffin wax	8002-74-2 63231-60-7
Pentane	109-66-0
Phosphoric acid (ortho phosphoric acid)	7664-38-2

Substance (synonyms)	CAS No
Potable water is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	
Potassium hydroxide (caustic potash) is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	1310-58-3
n-Propyl acetate	109-60-4
Propylene tetramer	6842-15-5
Propyl alcohol (propane-1-ol; 1-propanol)	71-23-8
Sodium hydroxide (caustic soda) is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	1310-73-2
Silicon dioxide (microsilica)	7631-86-9
Sodium silicate (water glass)	1344-09-8
Sorbitol (D-sorbitol; hexahydric alcohol; D-sorbite)	50-70-4
Sulphuric acid	7664-93-9
Urea ammonia nitrate solution (UAN)	
Wine lees (vinasses, vinaccia, argol, vini, argil, arcilla, weinstein, crude cream of tartare, crude potassium bitartrate)	868-14-4
White mineral oils	8042-47-5'