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Information and Notices

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II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 89/107/EEC on the approximation of the laws of Member States concerning food additives intended for human consumption.

*(92/C 206/01)**COM(92) 255 final — SYN 424**(Submitted by the Commission on 18 June 1992)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 A. thereof,

*Article 1*Directive 89/107/EEC ⁽¹⁾ is modified as follows:

Having regard to the proposal from the Commission,

1. the following point (e) is added to Article 3 (3):

in cooperation with the European Parliament,

'(e) where appropriate, rules by which a Member State may forbid the use of certain additives in foodstuffs, considered as traditional products, produced on its territory, provided this prohibition existed at 1 January 1992 and provided that the free circulation of goods is not affected;

Having regard to the opinion of the Economic and Social Committee,

without prejudice to the rules the Member State concerned may apply in conformity with the Treaty, this Member State shall however permit on its territory the production of non-traditional products in conformity with the Directives on additives.';

Whereas rules for harmonization in the field of additives should not affect the application of national provisions guaranteeing the quality of traditional foodstuffs;

2. Article 11 is replaced by the following:

Whereas these products could be distinguished by an appropriate labelling;

'The Commission is assisted by the Standing Committee for Foodstuffs as created by Council Decision 69/414/EEC (*).

Whereas the freedom of establishment on the territory of each Member State and the production and free circulation of foodstuffs conforming with Directives concerning additives should not be affected;

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The

Whereas the authorization to maintain national legislation should be subject to strict rules, they will be adopted using the Standing Committee for Foodstuffs as an Advisory Committee,

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the Committee of the manner in which its opinion has been taken into account.'

(*) OJ No L 291, 19. 11. 1969, p. 9.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 June 1993.

They shall forthwith inform the Commission thereof.

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 a reference shall be laid down by the Member States.

Article 3

This Directive is addressed to the Member States.

Proposal for a Council Directive on sweeteners for use in foodstuffs

(92/C 206/02)

COM(92) 255 final — SYN 423

(Submitted by the Commission on 18 June 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 3 (2) thereof,

After consultation of the Scientific Committee for Food,

Whereas differences between national laws relating to sweeteners and their conditions of use hinder the free movement of foodstuffs: whereas this situation may create conditions of unfair competition;

Whereas the prime consideration for any rules on sweeteners and their conditions of use should be the need to protect and inform the consumer;

Whereas, having regard to the most recent scientific and toxicological information, these substances are to be permitted only for certain foodstuffs and under certain conditions of use;

Whereas this Directive does not affect rules relating to functions other than the sweetening properties of the substances covered by this Directive;

Whereas the use of sweeteners to replace sugar is justified for the production of energy-reduced food, non-cariogenic foodstuffs or food without added sugars, for the extension of shelf-life through the replacement of sugar, and for the production of dietetic products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a specific Directive forming a part of the comprehensive Directive within the meaning of Article 3 of Directive 89/107/EEC.

2. This Directive shall apply to food additives, hereinafter referred to as 'sweeteners', which are used:

- to impart sweet taste to foodstuffs,
- as table-top sweeteners.

3. For the purpose of this Directive, the terms 'with no added sugar' and 'energy-reduced' in column III of the Annex shall be defined as follows:

- 'with no added sugar': without any added mono- or disaccharides or any other foodstuff used for its sweetening properties; in foods presented for diabetics, 'with no added sugar' means: without added mono- and disaccharides except fructose,
- 'energy-reduced': with an energy value reduced by at least 30 % compared with the original foodstuff or a similar product.

4. This Directive shall not apply to foodstuffs with sweetening properties.

Article 2

1. Only sweeteners listed in the Annex may be placed on the market with a view to:

- sale to the ultimate consumer,
- or use in the manufacture of foodstuffs.

2. Sweeteners referred to in the second indent of paragraph 1 may only be used in the manufacture of the foodstuffs listed in the Annex under the conditions specified therein.

3. Except where specially provided for, sweeteners may not be used in foods for infants or young children, as specified in Directive 89/398/EEC ⁽²⁾.

4. The maximum usable doses indicated in the Annex refer to ready to eat foodstuffs prepared according to the instructions for use.

Article 3

1. This Directive shall apply without prejudice to specific Directives permitting additives listed in the Annex to be used for purposes other than sweetening.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

⁽²⁾ OJ No L 186, 30. 6. 1989, p. 27.

2. This Directive shall also apply without prejudice to Community provisions governing the composition and the description of foodstuffs.

Article 4

Where there are differences of opinion as to whether sweeteners can be used in a given foodstuff under the terms of this Directive, it may be decided by the procedure laid down in Article 7 whether that foodstuff is to be considered as belonging to one of the categories listed in column III of the Annex.

Article 5

1. In application of Article 8 (a) of Directive 89/107/EEC, the sales description of a table-top sweetener must include the term '...-based table-top sweetener', using the name(s) of the sweetening substance(s) used in its/their manufacture.

2. The labelling of a table-top sweetener containing polyols and/or aspartame must bear the following warnings:

- polyols: 'excessive consumption may induce laxative effects',
- aspartame: 'contains a source of phenylalanine'.

Article 6

Provisions concerning:

- the details which must appear on the labelling of foodstuffs containing sweeteners in order to make their presence clear,
- warnings concerning the presence of certain sweeteners in foodstuffs,

shall be adopted in accordance with the procedure laid down in Article 7 before expiry of the time limit laid down in the first indent of Article 9 (1).

Article 7

The Commission is assisted by the Standing Committee for Foodstuffs as created by Council Decision 69/414/EEC ⁽¹⁾.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 8

1. Within three years of notification of this Directive, pursuant to point 4 of Annex II (General criteria for the use of food additives) to Directive 89/107/EEC, Member States shall establish a system of consumer surveys to monitor sweetener consumption.

The details of this monitoring system shall be coordinated in accordance with the procedure laid down in Article 7.

2. Within five years of adoption of this Directive, the Commission shall submit to the European Parliament and the Council a report, based on information obtained through the monitoring system referred to in paragraph 1, on changes in the sweeteners market, levels of use, and whether there is a further need to restrict conditions of use, including by means of appropriate warnings to consumers, to ensure that use does not exceed the acceptable daily intake. If necessary, the report shall be accompanied by proposals for amendment to this Directive.

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 15 June 1993 in order to:

- allow, by 15 June 1993 at the latest, trade in and use of products conforming to this Directive,

- prohibit, by 15 June 1994 at the latest, trade in and use of products not conforming to this Directive; products put on the market or labelled before that date which do not comply with this Directive may, however, be marketed until stocks are exhausted.

They shall 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 the Member States.

Article 10

This Directive is addressed to the Member States.

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 10.

ANNEX

EEC No	Name	Foodstuffs	Maximum usable dose
E 420	Sorbitol (i) Sorbitol (ii) Sorbitolsyrup	Desserts and similar products — water-based flavoured desserts, energy-reduced or with no added sugar	<i>Quantum satis</i>
E 421	Mannitol	— milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	
E 953	Isomalt	— fruit- and vegetable-based desserts, energy-reduced or with no added sugar	
E 965	Maltitol (i) Maltitol (ii) Maltitolsyrup	— egg-based desserts, energy-reduced or with no added sugar	
E 966	Lactitol	— cereal-based desserts, energy-reduced or with no added sugar	
E 967	Xylitol	— breakfast cereals or cereal-based products, energy-reduced or with no added sugar	
		— fat-based desserts, energy-reduced or with no added sugar	
		— edible ices, energy-reduced or with no added sugar	
		— jams, jellies, marmalades and crystallized fruit, energy-reduced or with no added sugar	
		— fruit preparations, energy-reduced or with no added sugar, with the exception of those intended for the manufacture of fruit-juice-based drinks	
		Confectionery	
		— confectionery with no added sugar	
		— dried-fruit-based confectionery, energy-reduced or with no added sugar	
		— starch-based confectionery energy-reduced or with no added sugar	
		— cocoa-based products, energy-reduced or with no added sugar	
		— cocoa-, milk-, dried-fruit-or fat-based sandwich spreads, energy-reduced or with no added sugar	
		— chewing gum with no added sugar	
		— sauces	
		— mustard	
		— fine bakery products, energy-reduced or with no added sugar	
		— products intended for particular nutritional uses	
		— solid food supplements/dietary integrators	
E 950	Acesulfame K	Non-alcoholic drinks	350 mg/l
		— water-based flavoured drinks, energy-reduced or with no added sugar	
		— milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	350 mg/l

EEC No	Name	Foodstuffs	Maximum usable dose
E 950	<i>(cont'd)</i>	<p>Desserts and similar products</p> <ul style="list-style-type: none"> — water-based flavoured desserts, energy-reduced or with no added sugar 350 mg/kg — milk- and milk-derivative-based preparations, energy-reduced or with no added sugar 350 mg/kg — fruit- and vegetable-based desserts, energy-reduced or with no added sugar 350 mg/kg — egg-based desserts, energy-reduced or with no added sugar 350 mg/kg — cereal-based desserts, energy-reduced or with no added sugar 350 mg/kg — fat-based desserts, energy-reduced or with no added sugar 350 mg/kg — 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts 350 mg/kg <p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar 500 mg/kg — cocoa- or dried-fruit-based confectionery energy-reduced or with no added sugar 500 mg/kg — starch-based confectionery, energy-reduced or with no added sugar 1 000 mg/kg — cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar 1 000 mg/kg — chewing gum with no added sugar 2 000 mg/kg — cider and perry 350 mg/l — alcohol-free beer or with an alcohol content not exceeding 1,2% vol. 350 mg/l — '<i>biere de table/Tafelbier/table beer</i>' (original wort content not more than 6%), except for '<i>Obergäriges Einfachbier</i>' 350 mg/l — beers with a minimum acidity of 30 milli-equivalents expressed as NaOH 350 mg/l — brown beers of the oud bruin type 350 mg/l — edible ices, energy-reduced or with no added sugar 800 mg/kg — canned or bottled fruit, energy-reduced or with no added sugar 350 mg/kg — energy-reduced jams, jellies, and marmalades 1 000 mg/kg — energy-reduced fruit and vegetable preparations 350 mg/kg — sweet-sour preserves of fruit and vegetables 200 mg/kg — sweet-sour preserves and semi-preserves of fish, and marinades of fish, crustaceans and molluscs 200 mg/kg — sauces 350 mg/kg — mustard 350 mg/kg — fine bakery products for special nutritional uses 1 000 mg/kg — complete formulae for weight control intended to replace total daily food intake or an individual meal 450 mg/kg — complete formulae and nutritional supplements for use under medical supervision 450 mg/kg — liquid food supplements/dietary integrators 350 mg/l — solid food supplements/dietary integrators 500 mg/kg — vitamin and dietary preparations 2 000 mg/l 	

EEC No	Name	Foodstuffs	Maximum usable dose
E 951	Aspartame	<p>Non-alcoholic drinks</p> <ul style="list-style-type: none"> — water-based flavoured drinks energy-reduced or with no added sugar — milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar <p>Desserts and similar products</p> <ul style="list-style-type: none"> — water-based flavoured desserts, energy-reduced or with no added sugar — milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — fruit- and vegetable-based desserts, energy-reduced or with no added sugar — egg-based desserts, energy-reduced or with no added sugar — cereal-based desserts, energy-reduced or with no added sugar — fat-based desserts, energy-reduced or with no added sugar — 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts <p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar — cocoa- or dried-fruit-based confectionery energy-reduced or with no added sugar — starch-based confectionery energy-reduced or with no added sugar — cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar — chewing gum with no added sugar — cider and perry — alcohol-free beer or with an alcohol content not exceeding 1,2% vol. — 'bière de table/Tafelbier/table beer' (original wort content not more than 6%), except for 'Obergäriges Einfachbier' — beers with a minimum acidity of 30 milli-equivalents expressed as Na OH — brown beers of the oud bruin type — edible ices, energy-reduced or with no added sugar — canned or bottled fruit, energy-reduced or with no added sugar — energy-reduced jams, jellies and marmalades — energy-reduced fruit and vegetable preparations — sweet-sour preserves of fruit and vegetables — sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs — sauces — mustard — fine bakery products for special nutritional uses — complete formulae for weight control intended to replace total daily food intake or an individual meal 	<p>600 mg/l</p> <p>600 mg/l</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>500 mg/kg</p> <p>1 000 mg/kg</p> <p>2 000 mg/kg</p> <p>2 000 mg/kg</p> <p>1 000 mg/kg</p> <p>5 500 mg/kg</p> <p>600 mg/l</p> <p>600 mg/l</p> <p>600 mg/l</p> <p>600 mg/l</p> <p>800 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>1 000 mg/kg</p> <p>300 mg/kg</p> <p>300 mg/kg</p> <p>350 mg/kg</p> <p>350 mg/kg</p> <p>1 700 mg/kg</p> <p>800 mg/kg</p>

EEC No	Name	Foodstuffs	Maximum usable dose
E 951	<i>(cont'd)</i>	<ul style="list-style-type: none"> — complete formulae and nutritional supplements for use under medical supervision — liquid food supplements/dietary integrators — solid food supplements/dietary integrators — vitamin and dietary preparations 	<ul style="list-style-type: none"> 1 000 mg/kg 600 mg/kg 2 000 mg/kg 5 500 mg/kg
E 952	Cyclamic acid and its Na and Casalts	<p>Non-alcoholic drinks</p> <ul style="list-style-type: none"> — water-based flavoured drinks, energy-reduced or with no added sugar — milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar <p>Desserts and similar products</p> <ul style="list-style-type: none"> — water-based flavoured desserts, energy-reduced or with no added sugar — milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — fruit- and vegetable-based desserts, energy-reduced or with no added sugar — egg-based desserts, energy-reduced or with no added sugar — cereal-based desserts, energy-reduced or with no added sugar — fat-based desserts, energy-reduced or with no added sugar <p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar — cocoa- or dried-fruit-based confectionery energy-reduced or with no added sugar — starch-based confectionery, energy-reduced or with no added sugar — cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar — chewing gum with no added sugar — edible ice, energy-reduced or with no added sugar — canned or bottled fruit, energy-reduced or with no added sugar — energy-reduced jams, jellies, and marmalades — energy-reduced fruit and vegetable preparations — fine bakery products for special nutritional uses — complete formulae for weight control intended to replace total daily food intake or an individual meal — complete formulae and nutritional supplements for use under medical supervision — liquid food supplements/dietary integrators — solid food supplements/dietary integrators 	<ul style="list-style-type: none"> calculated as free acid 400 mg/l 400 mg/l 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 500 mg/kg 500 mg/kg 500 mg/kg 500 mg/kg 1 500 mg/kg 250 mg/kg 1 000 mg/kg 1 000 mg/kg 250 mg/kg 1 600 mg/kg 400 mg/kg 400 mg/kg 400 mg/kg 500 mg/kg

EEC No	Name	Foodstuffs	Maximum usable dose
E 954	Saccharine and its Na, K and Casalts	<p>Non-alcoholic drinks</p> <ul style="list-style-type: none"> — water-based flavoured drinks, energy-reduced or with no added sugar — milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar — 'gaseosa': non-alcoholic water-based drink with added carbon dioxide, sweeteners and flavourings <p>Desserts and similar products</p> <ul style="list-style-type: none"> — water-based flavoured desserts, energy-reduced or with no added sugar — milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — fruit- and vegetable-based desserts, energy-reduced or with no added sugar — egg-based desserts, energy-reduced or with no added sugar — cereal-based desserts, energy-reduced or with no added sugar — fat-based desserts, energy-reduced or with no added sugar — 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts <p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar — cocoa- or dried-fruit-based confectionery energy-reduced or with no added sugar — starch-based confectionery energy-reduced or with no added sugar — Essoblaten — cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar — chewing gum with no added sugar — cider and perry — alcohol-free beer or with an alcohol content not exceeding 1,2 % vol. — 'bière de table/Tafelbier/table beer' (original wort content not more than 6 %), except for 'Oberjähriges Einfachbier' — beers with a minimum acidity of 30 milli-equivalents expressed as Na OH — brown beers of the oud bruin type — edible ices, energy-reduced or with no added sugar — canned or bottled fruit, energy-reduced or with no added sugar — energy-reduced jams, jellies and marmalades — energy-reduced fruit and vegetables preparations — sweet-sour preserves of fruit and vegetables — sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs 	<p>calculated as free imide</p> <p>80 mg/l</p> <p>80 mg/l</p> <p>100 mg/l</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>500 mg/kg</p> <p>500 mg/kg</p> <p>300 mg/kg</p> <p>800 mg/kg</p> <p>200 mg/kg</p> <p>1 200 mg/kg</p> <p>80 mg/l</p> <p>80 mg/l</p> <p>80 mg/l</p> <p>80 mg/l</p> <p>100 mg/kg</p> <p>200 mg/kg</p> <p>200 mg/kg</p> <p>200 mg/kg</p> <p>160 mg/kg</p> <p>160 mg/kg</p>

EEC No	Name	Foodstuffs	Maximum usable dose
E 954	<i>(cont'd)</i>	<ul style="list-style-type: none"> — sauces — mustard — fine bakery products for special nutritional uses — complete formulae for weight control intended to replace total daily food intake or an individual meal — complete formulae and nutritional supplements for use under medical supervision — liquid food supplements/dietary integrators — solid food supplements/dietary integrators — vitamin and dietary preparations 	<ul style="list-style-type: none"> 160 mg/kg 320 mg/kg 170 mg/kg 240 mg/kg 200 mg/kg 80 mg/kg 500 mg/kg 1 200 mg/kg
E 957	Thaumatococin	<p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar — cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — chewing gum with no added sugar — vitamin and dietary preparations 	<ul style="list-style-type: none"> 50 mg/kg 50 mg/kg 50 mg/kg 400 mg/kg
E 959	Neohesperidine DC	<p>Non-alcoholic drinks</p> <ul style="list-style-type: none"> — water-based flavoured drinks, energy-reduced or with no added sugar — milk- and milk-derivative-based drinks, energy-reduced or with no added sugar — fruit-juice-based drinks, energy-reduced or with no added sugar <p>Desserts and similar products</p> <ul style="list-style-type: none"> — water-based flavoured desserts, energy-reduced or with no added sugar — milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — fruit- and vegetable-based desserts, energy-reduced or with no added sugar — egg-based desserts, energy-reduced or with no added sugar — cereal-based desserts, energy-reduced or with no added sugar — fat-based desserts, energy-reduced or with no added sugar <p>Confectionery</p> <ul style="list-style-type: none"> — confectionery with no added sugar — cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — starch-based confectionery, energy-reduced or with no added sugar — cocoa-, milk, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar — chewing gum with no added sugar — cider and perry — alcohol-free beer or with an alcohol content not exceeding 1,2 % vol. 	<ul style="list-style-type: none"> 30 mg/l 50 mg/l 30 mg/l 50 mg/kg 50 mg/kg 50 mg/kg 50 mg/kg 50 mg/kg 50 mg/kg 50 mg/kg 100 mg/kg 100 mg/kg 150 mg/kg 50 mg/kg 400 mg/kg 20 mg/l 10 mg/l

EEC No	Name	Foodstuffs	Maximum usable dose
E 959	<i>(cont'd)</i>	<ul style="list-style-type: none"> <li data-bbox="497 314 1167 406">— <i>'bière de table/Tafelbier/table beer'</i> (original wort content not more than 6%), except for <i>'Obergäriges Einfachbier'</i> <li data-bbox="497 428 1167 476">— beers with a minimum acidity of 30 milli-equivalents expressed as Na OH <li data-bbox="497 497 1167 524">— brown beers of the oud bruin type <li data-bbox="497 546 1167 572">— edible ices, energy-reduced or with no added sugar <li data-bbox="497 594 1167 620">— canned or bottled fruit, energy-reduced or with no added sugar <li data-bbox="497 642 1167 668">— energy-reduced jams, jellies and marmelades <li data-bbox="497 690 1167 716">— sweet-sour preserves of fruit and vegetables <li data-bbox="497 738 1167 764">— energy-reduced fruit and vegetables preparations <li data-bbox="497 786 1167 834">— sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs <li data-bbox="497 856 1167 882">— sauces <li data-bbox="497 904 1167 930">— mustard <li data-bbox="497 952 1167 978">— fine bakery products for special nutritional uses <li data-bbox="497 1000 1167 1048">— complete formulae for weight control intended to replace total dally food intake or an individual meal <li data-bbox="497 1070 1167 1096">— liquid food supplements/dietary integrators <li data-bbox="497 1118 1167 1144">— solid food supplements/dietary integrators 	<ul style="list-style-type: none"> <li data-bbox="1198 375 1333 401">10 mg/l <li data-bbox="1198 449 1333 476">10 mg/l <li data-bbox="1198 502 1333 528">10 mg/l <li data-bbox="1198 554 1333 580">50 mg/kg <li data-bbox="1198 607 1333 633">50 mg/kg <li data-bbox="1198 659 1333 685">50 mg/kg <li data-bbox="1198 711 1333 738">100 mg/kg <li data-bbox="1198 764 1333 790">50 mg/kg <li data-bbox="1198 816 1333 843">30 mg/kg <li data-bbox="1198 869 1333 895">50 mg/kg <li data-bbox="1198 921 1333 947">50 mg/kg <li data-bbox="1198 974 1333 1000">150 mg/kg <li data-bbox="1198 1026 1333 1052">100 mg/kg <li data-bbox="1198 1078 1333 1105">50 mg/l <li data-bbox="1198 1131 1333 1157">100 mg/kg

Proposal for a Council Directive on food additives other than colours and sweeteners

(92/C 206/03)

COM(92) 255 final — SYN 424

(Submitted by the Commission on 18 June 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to Council Directive 89/107/EEC of 21 December 1988, on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 3 (2),

Whereas, differences between national laws relating to preservatives, antioxidants and other additives and their conditions of use hinder the free movement of foodstuffs; whereas these may create conditions of unfair competition;

Whereas, the prime consideration for any rules on these food additives and their conditions of use should be the need to protect the consumer;

Whereas a food additive may only be used when there is evidence that the use of this additive has an advantage for the consumer;

Whereas it is generally recognized that unprocessed foodstuffs and certain other foodstuffs should be free from food additives;

Whereas, having regard to the most recent scientific and toxicological information on these substances some of these are to be permitted only for certain foodstuffs and under certain conditions of use;

Whereas it is necessary to lay down strict rules for the use of food additives in infant formula, follow-on formula, and weaning foods, as mentioned in Directive 89/398/EEC ⁽²⁾, and in particular Article 4 (1) (e);

Whereas this directive does not intend to affect rules relating to sweeteners and colours;

Whereas, awaiting for specific provisions pursuant to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽³⁾, and under Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽⁴⁾, certain substances belonging to this category are provisionally covered by this Directive;

Whereas the Commission shall adapt Community provisions to accord with the rules laid down in this Directive,

Whereas the Scientific Committee for Food has been consulted for those substances not yet being the subject of a Community provision;

Whereas it is necessary to include in this Directive specific provisions concerning additives mentioned in other Community provisions;

Whereas it is desirable that when a decision on whether a particular foodstuff belongs to a certain category of foods, the consultation of the Standing Committee for Food procedure is followed;

Whereas the modification of existing purity criteria on food additives other than colours and sweeteners and new specifications for those where no purity criteria exist, will be adopted in accordance with the procedure of Article 11 of Directive 89/107/EEC;

Whereas flour treatment agents are still lacking the opinion of the Scientific Committee for Food, they will be the subject of a separate directive;

Whereas this Directive replaces Directives 64/54/EEC ⁽⁵⁾, 70/357/EEC ⁽⁶⁾, 74/329/EEC ⁽⁷⁾ and 83/463/EEC ⁽⁸⁾ these are hereby repealed,

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽⁴⁾ OJ No L 350, 14. 12. 1990, p. 71.

⁽⁵⁾ OJ No L 12, 27. 1. 1964, p. 161/164.

⁽⁶⁾ OJ No L 157, 18. 7. 1970, p. 31.

⁽⁷⁾ OJ No L 189, 12. 7. 1974, p. 1.

⁽⁸⁾ OJ No L 255, 15. 9. 1983, p. 1.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

⁽²⁾ OJ No L 186, 30. 6. 1989, p. 27.

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a specific Directive forming a part of the comprehensive Directive within the meaning of Article 3 of Directive 89/107/EEC applying to additives other than colours, sweeteners and flour treatment agents.

2. For the purpose of this Directive:

- *preservatives* are substances which prolong the shelf-life of foodstuffs by protecting them against deterioration caused by micro-organisms,
- *antioxidants* are substances which prolong the shelf-life of foodstuffs by protecting them against deterioration caused by oxidation, such as fat rancidity and colour changes,
- *carriers*, including carrier solvents, are substances used to dissolve, dilute, disperse or otherwise physically modify a food additive without altering its technological function (and without exerting any technological effect to themselves) in order to facilitate its handling, application or use,
- *acids* are substances which increase the acidity of a foodstuff and/or impart a sour taste to it,
- *acidity regulators* are substances which alter or control the acidity or alkalinity of a foodstuff,
- *anti-caking agents* are substances which reduce the tendency of individual particles of a foodstuff to adhere to one another,
- *anti-foaming agents* are substances which prevent or reduce foaming,
- *bulking agents* are substances which contribute to the bulk of a foodstuff without contributing significantly to its available energy value,
- *colour stabilizers* are substances which stabilize, retain or intensify the colour of a foodstuff,
- *emulsifiers* are substances which make it possible to form or maintain a uniform mixture of two or more immiscible phases such as oil and water in a foodstuff,
- *emulsifying salts* are substances which rearrange cheese proteins in the manufacture of processed cheese, in order to prevent fat separation,
- *firming agents* are substances which make or keep tissues of fruit or vegetable firm or crisp, or interact with gelling agents to produce or strengthen a gel,

- *flavour enhancers* are substances which enhance the existing taste and/or odour of a foodstuff,
- *foaming agents* are substances which make it possible to form a uniform dispersion of a gaseous phase in a liquid or solid foodstuff,
- *gelling agents* are substances which give a foodstuff texture through formation of a gel,
- *glazing agents* (including lubricants) are substances which, when applied to the external surface of a foodstuff, impart a shiny appearance or provide a protective coating; inedible and easily separable coatings are not considered to be glazing agents,
- *humectants* are substances which prevent foodstuffs from drying out by counteracting the effect of an atmosphere having a low degree of humidity, or promote the dissolution of a powder in an aqueous medium,
- *modified starches* are substances obtained by one or more chemical treatments of edible starches, which may have undergone a physical or enzymatic treatment, and may be acid or alkali thinned or bleached,
- *packaging gases* are gases other than air, introduced into a container before, during or after the placing of a foodstuff in that container,
- *propellants* are gases other than air which expel a foodstuff from a container,
- *raising agents* are substances or combinations of substances which liberate gas and thereby increase the volume of a dough or a batter,
- *sequestrants* are substances which form chemical complexes with metallic ions,
- *stabilizers* are substances which make it possible to maintain a uniform dispersion of two or more immiscible substances in a foodstuff. Stabilizers include foam stabilizers,
- *thickeners* are substances which increase the viscosity of a foodstuff.

3. Flour treatment agents other than emulsifiers are substances which are added to flour or dough to improve its baking quality.

4. In application of Article 1 of Directive 89/107/EEC the following are not considered as food additives:

- (a) substances used for the treatment of drinking water;
- (b) products containing pectin and derived from apple pomace or peel of citrus fruits, or from a mixture of both, by the action of dilute acid followed by partial

neutralization with sodium or potassium salts ('liquid pectin');

- (c) chewing gum bases;
- (d) white or yellow dextrin, roasted or dextrinated starch, starch modified by acid or alkali treatment, bleached starch, physically modified starch and starch treated by amylolytic enzymes;
- (e) ammonium chloride;
- (f) blood plasma, edible gelatin, protein hydrolysates;
- (g) amino acids and their salts other than glutamic acid, glycine, cysteine and cystine and their salts and having no additive function.

Article 2

1. Only substances listed in Annexes I, III, IV and V may be used in foodstuffs for the purposes mentioned in Article 1 (2).
2. Food additives listed in Annex I are generally permitted in foodstuffs for the purposes mentioned in Article 1 (2).
3. Paragraph 2 does not apply to:
 - (a) unprocessed foodstuffs and honey, virgin oils, butter, pasteurized and sterilized (including UHT sterilization) milk and cream (including skimmed, plain and semi-skimmed), mineral waters as mentioned in Directive 80/777/EEC ⁽¹⁾, coffee and tea and sugars as mentioned in Directive 73/437/EEC ⁽²⁾, except where specially provided for.

Within the meaning of this Directive, unprocessed foodstuffs are foodstuffs that have not undergone any treatment resulting in a substantial change of the original state of the foodstuffs. However, they may have been, for example, divided, parted, severed, bored, skinned, pared, peeled, ground, cut, cleaned, trimmed, chilled, frozen, deep-frozen, unpacked or packed in the presence or not of packaging gases;

- (b) infant formula, follow-on formula and weaning foods, as mentioned in Directive 89/398/EEC. These foodstuffs are subject to the provisions of Annex VI;
- (c) chocolate and cocoa as mentioned in Directive 73/241/EEC ⁽³⁾, fruit juices as mentioned in Directive 75/726/EEC ⁽⁴⁾, jams, jellies and marmalades as mentioned in Directive 79/693/EEC ⁽⁵⁾, partially or totally dehydrated milks as mentioned in Directive 76/118/EEC ⁽⁶⁾.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 1.

⁽²⁾ OJ No L 356, 27. 12. 1973, p. 71.

⁽³⁾ OJ No L 228, 16. 8. 1973, p. 23.

⁽⁴⁾ OJ No L 311, 1. 2. 1975, p. 40.

⁽⁵⁾ OJ No L 205, 13. 8. 1979, p. 5.

⁽⁶⁾ OJ No L 24, 30. 1. 1976, p. 49.

These foodstuffs may only contain additives mentioned in Annexes II, III and IV and under the conditions specified therein.

4. Additives listed in Annexes III and IV may only be used in the foodstuffs mentioned in these annexes and under the conditions specified therein.
5. Additives listed in Annex V may be used as carriers or carrier solvents under the conditions specified therein.
6. Maximum levels indicated in the Annexes refer to foodstuffs as marketed, unless otherwise stated.

Article 3

1. Without prejudice to other Community provisions, the presence of a food additive in a foodstuff is permissible:
 - in a compound foodstuff to the extent that the food additive is permitted in the separate ingredients that make up the compound foodstuff,
 - or
 - if the foodstuff is destined to be used solely in the preparation of another foodstuff and to such an extent that the compound foodstuff conforms to the provisions of this Directive.

2. Paragraph 1 does not apply to infant formula, follow-on formula and weaning foods, as mentioned in Directive 89/398/EEC, except where specially provided for.

Article 4

This Directive shall apply without prejudice to specific directives permitting additives listed in the annexes to be used as sweeteners or colours.

Article 5

Where necessary, it may be decided by the procedure laid down in Article 7 of this Directive:

- whether a particular foodstuff belongs to a category of foodstuffs mentioned in Article 2 or in one of the Annexes,
- or
- whether a food additive listed in Annex I is used in accordance with the criteria mentioned in Annex I,
- or
- whether a substance is a food additive in the sense of Article 1.

Article 6

Any provision necessary to adapt existing Community provisions to the rules laid down in this Directive shall be adopted within six months of its notification according to the procedure laid down in Article 7 of this Directive.

Article 7

The Commission is assisted by the Standing Committee for Foodstuffs as created by Council Decision 69/414/EEC ⁽¹⁾.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 8

In accordance with the General Criteria of point 4 of Annex II to Directive 89/107/EEC, within five years from the adoption of this Directive, the Commission shall review the conditions of use mentioned in this Directive, and propose modifications where necessary.

Article 9

1. Directives 64/54/EEC, 70/357/EEC, 74/329/EEC, 83/463/EEC and their subsequent modifications are hereby repealed.

2. References to these repealed Directives and to the purity criteria of certain food additives mentioned in them shall be henceforth understood to be references to this Directive.

Article 10

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1993 in order to:

- allow trade in and use of products conforming to this Directive not later than 1 January 1993,
- prohibit trade in and use of products not conforming to this Directive not later than 1 January 1994.

They shall forthwith inform the Commission thereof.

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 a reference shall be laid down by the Member States.

Article 11

This Directive is addressed to the Member States.

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

ANNEX I

GENERALLY PERMITTED FOOD ADDITIVES

Notes

1. Substances in this list may be added to all foodstuffs with the exception of those mentioned in Annex II following the *quantum satis* principle. *Quantum satis* means that no maximum level is specified. However, these food additives should be used according to good manufacturing practice at a level not higher than is necessary to achieve the intended purpose, and provided they do not mislead the consumer.
2. The substances listed under EEC number E 440 may be standardized with sugars, on condition that this is stated in addition to its number and designation.

EEC No	Name
E 170	Calcium carbonates (i) Calcium carbonate (ii) Calcium hydrogen carbonate
E 260	Acetic acid
E 261	(i) Potassium acetate
E 262	Sodium acetates (i) Sodium acetate (ii) Sodium hydrogen acetate (sodium diacetate)
E 263	Calcium acetate
E 270	Lactic acid
E 290	Carbon dioxide ⁽¹⁾
E 296	Malic acid
E 300	Ascorbic acid
E 301	Sodium ascorbate
E 302	Calcium ascorbate
E 304	Fatty acid esters of ascorbic acid (i) Ascorbyl palmitate (ii) Ascorbyl stearate
E 306	Tocopherol-rich extract
E 307	Alpha-tocopherol
E 308	Gamma-tocopherol
E 309	Delta-tocopherol
E 322	Lecithins
E 325	Sodium lactate
E 326	Potassium lactate
E 327	Calcium lactate
E 330	Citric acid
E 331	Sodium citrates (i) Monosodium citrate (ii) Disodium citrate (iii) Trisodium citrate
E 332	Potassium citrates (i) Monopotassium citrate (ii) Tripotassium citrate
E 333	Calcium citrates (i) Monocalcium citrate (ii) Dicalcium citrate (iii) Tricalcium citrate
E 334	Tartaric acid (L(+)-)
E 335	Sodium tartrates (i) Monosodium tartrate (ii) Disodium tartrate

⁽¹⁾ May be used as packaging gases in the foodstuffs mentioned in Article 2 (3), except E 942 — Nitrous oxide in infant formula, follow-on formula and weaning foods.

EEC No	Name
E 336	Potassium tartrates (i) Monopotassium tartrate (ii) Dipotassium tartrate
E 337	Sodium potassium tartrate
E 350	Sodium malates (i) Sodium malate (ii) Sodium hydrogen malate
E 351	(i) Potassium malate
E 352	Calcium malates (i) Calcium malate (ii) Calcium hydrogen malate
E 354	Calcium tartrate
E 380	Triammonium citrate
E 400	Alginic acid
E 401	Sodium alginate
E 402	Potassium alginate
E 403	Ammonium alginate
E 404	Calcium alginate
E 406	Agar
E 410	Locust bean gum
E 412	Guar gum
E 413	Tragacanth
E 414	Acacia gum (gum arabic)
E 415	Xanthan gum
E 417	Tara gum
E 418	Gellan gum
E 422	Glycerol
E 440	Pectins (i) pectin (ii) amidated pectin
E 460	Cellulose (i) Microcrystalline cellulose (ii) Powdered cellulose
E 470(a)	Sodium, potassium and calcium salts of fatty acids
E 470(b)	Magnesium salts of fatty acids
E 471	Mono- and diglycerides of fatty acids
E 472(a)	Acetic acid esters of mono- and diglycerides of fatty acids
E 472(b)	Lactic acid esters of mono- and diglycerides of fatty acids
E 472(c)	Citric acid esters of mono- and diglycerides of fatty acids
E 472(d)	Tartaric acid esters of mono- and diglycerides of fatty acids
E 472(e)	Mono- and diacetyl tartaric acid esters of mono- and diglycerides of fatty acids
E 472(f)	Mixed acetic and tartaric acid esters of mono- and diglycerides of fatty acids
E 500	Sodium carbonates (i) Sodium carbonate (ii) Sodium hydrogen carbonate (iii) Sodium sesquicarbonate
E 501	Potassium carbonates (i) Potassium carbonate (ii) Potassium hydrogen carbonate
E 503	Ammonium carbonates (i) Ammonium carbonate (ii) Ammonium hydrogen carbonate
E 504	Magnesium carbonates (i) Magnesium carbonate (ii) Magnesium hydroxide carbonate (syn.: Magnesium hydrogen carbonate)

EEC No	Name
E 507	Hydrochloric acid
E 508	Potassium chloride
E 509	Calcium chloride
E 511	Magnesium chloride
E 513	Sulphuric acid
E 514	Sodium sulphates (i) Sodium sulphate (ii) Sodium hydrogen sulphate
E 515	Potassium sulphates (i) Potassium sulphate (ii) Potassium hydrogen sulphate
E 516	Calcium sulphate
E 518	Magnesium sulphate
E 524	Sodium hydroxide
E 525	Potassium hydroxide
E 526	Calcium hydroxide
E 527	Ammonium hydroxide
E 528	Magnesium hydroxide
E 529	Calcium oxide
E 530	Magnesium oxide
E 570	Fatty acids
E 574	Gluconic acid
E 575	Glucono-delta-lactone
E 576	Sodium gluconate
E 577	Potassium gluconate
E 578	Calcium gluconate
E 620	Glutamic acid
E 621	Monosodium glutamate
E 622	Monopotassium glutamate
E 623	Calcium diglutamate
E 624	Monoammonium glutamate
E 625	Magnesium diglutamate
E 640	Glycine and its sodium salt
E 938	Argon ⁽¹⁾
E 939	Helium ⁽¹⁾
E 941	Nitrogen ⁽¹⁾
E 942	Nitrous oxide ⁽¹⁾
E 947	Hydrogen ⁽¹⁾
E 948	Oxygen ⁽¹⁾
E 1200	Polydextrose
E 1404	Oxidized starch
E 1410	Monostarch phosphate
E 1412	Distarch phosphate
E 1413	Phosphated distarch phosphate
E 1414	Acetylated distarch phosphate
E 1420	Acetylated starch
E 1422	Acetylated distarch adipate
E 1440	Hydroxy propyl starch
E 1442	Hydroxy propyl distarch phosphate
E 1450	Starch sodium octenyl succinate
E 1518	Glyceryl triacetate (Triacetin)

⁽¹⁾ May be used as packaging gases in the foodstuffs mentioned in Article 2 (3), except E 942 — Nitrous oxide in infant formula, follow-on formula and weaning foods.

ANNEX II

FOODSTUFFS IN WHICH A LIMITED NUMBER OF ADDITIVES OF ANNEX I MAY BE USED

Foodstuff	Additive	Maximum level
Cocoa and chocolate products as mentioned in Directive 73/241/EEC ⁽¹⁾	E 330 Citric acid	0,5 %
	E 322 Lecithine	<i>Quantum satis</i>
	E 334 Tartaric acid	0,5 %
	E 422 Glycerol	<i>Quantum satis</i>
	E 471 Mono and diglycerides of fatty acids	<i>Quantum satis</i>
	E 500 Sodium carbonates	} 5 % on dry material without fat
	E 501 Potassium carbonates	
	E 503 Ammonium carbonates	
	E 504 Magnesium carbonates	
	E 524 Sodium hydroxide	
	E 525 Potassium hydroxide	
	E 526 Calcium hydroxide	
	E 527 Ammonium hydroxide	
	E 528 Magnesium hydroxide	} <i>Quantum satis</i>
	E 530 Magnesium oxide	
E 1200 Polydextrose	<i>Quantum satis</i>	
Fruit juices and nectars as mentioned in Directive 73/437/EEC ⁽²⁾	E 290 Carbon dioxide	<i>Quantum satis</i>
	E 300 Ascorbic acid	<i>Quantum satis</i>
Pineapple juice as mentioned in Directive 73/437/EEC ⁽²⁾	E 296 Malic acid	3 g/l
	E 330 Citric acid	3 g/l
Nectars mentioned in Directive 73/437/EEC ⁽²⁾	E 330 Citric acid	5 g/l
	E 270 Lactic acid	5 g/l
Grape juice as defined in Directive 73/437/EEC ⁽²⁾	E 170 Calcium carbonates	<i>Quantum satis</i>
	E 336 Potassium tartrates	<i>Quantum satis</i>
Jams, jellies, marmelades and chestnut puree as defined in Directive 79/693/EEC ⁽³⁾	E 170 Calcium carbonate	200 mg Ca/kg
	E 270 Lactic acid	<i>Quantum satis</i>
	E 440 Pectins	<i>Quantum satis</i>
	E 296 Malic acid	<i>Quantum satis</i>
	E 352 Calcium malate	<i>Quantum satis</i>
	E 350 Sodium malate	<i>Quantum satis</i>
	E 509 Calcium chloride	200 mg/kg
	E 578 Calcium gluconate	200 mg/kg
	E 500 (i) Sodium carbonate	<i>Quantum satis</i>
	E 500 (ii) Sodium bicarbonate	<i>Quantum satis</i>
	E 300 Ascorbic acid	<i>Quantum satis</i>
	E 325 Sodium lactate	<i>Quantum satis</i>
	E 330 Citric acid	<i>Quantum satis</i>
	E 331 Sodium citrate	<i>Quantum satis</i>
	E 333 Calcium citrate	<i>Quantum satis</i>
	E 334 Tartaric acid	<i>Quantum satis</i>

⁽¹⁾ OJ No L 228, 16. 8. 1973, p. 23.⁽²⁾ OJ No L 356, 27. 12. 1973, p. 71.⁽³⁾ OJ No L 205, 13. 8. 1979, p. 5.

Foodstuff	Additive	Maximum level
	E 335 Sodium tartrate E 327 Calcium lactate E 400 Alginic acid E 401 Sodium alginate E 402 Potassium alginate E 403 Ammonium alginate E 404 Calcium alginate E 410 Locust bean gum E 471 Mono and diglycerides of fatty acids E 524 Sodium hydroxide	<i>Quantum satis</i> <i>Quantum satis</i> 10 g/kg 10 g/kg 10 g/kg 10 g/kg 10 g/kg 10 g/kg 10 g/kg <i>Quantum satis</i> <i>Quantum satis</i>
Partially dehydrated and dehydrated milk as mentioned in Directive 76/118/EEC ⁽¹⁾	E 300 Ascorbic acid E 301 Sodium ascorbate E 304 Fatty esters of ascorbic acid E 307 Alpha-tocopherol E 308 Gamma-tocopherol E 309 Delta-tocopherol E 322 Lecithin E 331 Sodium citrate E 332 Potassium citrate E 500 (ii) Sodium bicarbonate E 501 (ii) Potassium bicarbonate E 509 Calcium chloride	<i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i>
Sterilized and UHT cream	E 270 Lactic acid E 322 Lecithine E 330 Citric acid E 400 Alginic acid E 440 Pectins Modified starches	<i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i>

⁽¹⁾ OJ No L 24, 30. 1. 1976, p. 49.

ANNEX III

CONDITIONALLY PERMITTED PRESERVATIVES AND ANTIOXIDANTS

A. Sorbates, benzoates and p-hydroxybenzoates

EEC No	Name	Abbreviations
E 200	Sorbic acid	Sa
E 202	Potassium sorbate	
E 203	Calcium sorbate	
E 210	Benzoic acid	Ba ⁽¹⁾
E 211	Sodium benzoate	
E 212	Potassium benzoate	
E 213	Calcium benzoate	
E 214	Ethyl p-hydroxybenzoate	PHB
E 215	Sodium ethyl p-hydroxybenzoate	
E 216	Propyl p-hydroxybenzoate	
E 217	Sodium propyl p-hydroxybenzoate	
E 218	Methyl p-hydroxybenzoate	
E 219	Sodium methyl p-hydroxybenzoate	

⁽¹⁾ Benzoic acid may be present in certain fermented products resulting from fermentation processes following good manufacturing practice.

Notes

- The levels of all substances mentioned above are calculated as the free acid.
- The abbreviations used in the table mean the following:
 - Sa + Ba: Sa and Ba used singly or in combination
 - Sa + PHB: Sa and PHB used singly or in combination
 - Sa + Ba + PHB: Sa, Ba and PHB used singly or in combination.
- The maximum levels of use indicated refer to foodstuffs ready for consumption prepared following manufacturers' instructions.

Foodstuffs	Maximum level (in mg/kg or mg/l as appropriate)					
	Sa	Ba	PHB	Sa + Ba	Sa + PHB	Sa + Ba + PHB
Dairy-based flavoured drinks	—	200	—	300 (of which 200 Ba maximum)	—	—
Wine-based flavoured drinks	100	—	—	—	—	—
Water-based or fruit-juice-based drinks	500 ⁽¹⁾	200	—	200 Sa + 200 Ba ⁽¹⁾	—	—
Liquid tea concentrates and liquid fruit and herbal infusions concentrates	—	—	—	600	—	—
Alcohol-free wine	—	—	—	300	—	—
Grape juice, unfermented, for sacramental use	—	—	—	2 000	—	—
Wines	200	—	—	—	—	—
Fermented fruit juices	500 ⁽¹⁾	200	—	200 Sa + 200 Ba ⁽¹⁾	—	—
Mead	300	—	—	—	—	—
Spirituous beverages with not more than 15 % alcohol content	—	—	—	250	—	—

⁽¹⁾ Either use Sa or a combination of Sa + Ba.

Foodstuffs	Maximum level (in mg/kg or mg/l as appropriate)					
	Sa	Ba	PHB	Sa + Ba	Sa + PHB	Sa + Ba + PHB
Fillings of ravioli and similar products	1 000	—	—	—	—	—
Jams, jellies, marmalades and similar products, energy-reduced or sugar-free and other fruit based spreads	—	—	—	1 500	—	—
Candied fruit	—	—	—	1 000	—	—
Dried fruit	1 000	—	—	—	—	—
Fruit-based desserts	—	—	—	1 000	—	—
Fruit and vegetable preparations and fruit syrups	—	—	—	1 500	—	—
Vegetables in vinegar, brine or oil	—	—	—	2 000	—	—
Potato dough	2 000	—	—	—	—	—
Meat products, cooked or cured or dried, surface treatment only (gelatin coatings included)	—	—	—	—	—	<i>Quantum satis</i>
Semi-preserved fish products	—	—	—	4 000	—	—
Fish-roe products	—	—	—	4 000	—	—
Shrimps, cooked	—	—	—	4 000	—	—
<i>Crangon crangon</i> and <i>Crangon vulgaris</i> (Brown shrimp), cooked	—	—	—	8 000	—	—
Milk, heat-treated fermented	—	—	—	300	—	—
Milk, renneted	—	—	—	1 000	—	—
Cheese, prepacked sliced	1 000	—	—	—	—	—
Unripened cheese	1 000	—	—	—	—	—
Processed cheese	2 000	—	—	—	—	—
Dairy-based desserts	—	—	—	1 000	—	—
Liquid egg (white, yolk or whole egg)	—	—	—	10 000	—	—
Prepacked sliced bread and rye-bread	2 000	—	—	—	—	—
Prebaked bakery wares intended for retail sale	2 000	—	—	—	—	—
Fine bakery wares with a water activity of more than 0,65	2 000	—	—	—	—	—
Cereal or potato based snacks and coated nuts	—	—	—	—	1 000 (of which 300 PHB maximum)	—
Cake mixes	—	—	—	—	2 000 (of which 300 PHB maximum)	—
Batters	2 000	—	—	—	—	—
Sugar, nut or fat-based confectionery	—	—	—	—	—	2 000 (of which 300 PHB maximum)
Cocoa-based confectionery (excluding chocolate)	—	—	—	1 500	—	—
Chewing gum	—	—	—	1 500	—	—
Sugar toppings (syrups for pancakes etc)	—	—	—	1 500	—	—

Foodstuffs	Maximum level (mg/kg or mg/l as appropriate)					
	Sa	Ba	PHB	Sa + Ba	Sa + PHB	Sa + Ba + PHB
Fat emulsions	—	—	—	2 000	—	—
Emulsified sauces	—	—	—	2 000	—	—
Non-emulsified sauces	—	—	—	1 200	—	—
Salads	—	—	—	1 500	—	—
Mustard	—	—	—	1 000	—	—
Seasonings, condiments and mixed spices	—	—	—	1 000	—	—
Soups and broths	—	—	—	500	—	—
Dietary food supplements	—	—	—	2 000	—	2 000
Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	—	—	—	1 500	—	—

B. Sulphur dioxide and sulphites

EEC No	Name
E 220	Sulphur dioxide
E 221	Sodium sulphite
E 222	Sodium hydrogen sulphite
E 223	Sodium metabisulphite
E 224	Potassium metabisulphite
E 226	Calcium sulphite
E 227	Calcium hydrogen sulphite
E 228	Potassium hydrogen sulphite

Notes

1. Maximum levels are expressed as SO₂ in mg/kg or mg/l as appropriate and relate to the total quantity, available from all sources.
2. An SO₂ content of not more than 10 mg/kg or 10 mg/l is not considered to be present.

Foodstuffs	Maximum level expressed as SO ₂ (mg/kg or mg/l as appropriate)
'Burger meat' with a minimum vegetable and/or cereal content of 4%	450
'Breakfast sausages' with a minimum cereal content of 6%	450
'Longaniza fresca' and 'butifarra fresca'	450
Dried cod	200
Crustaceans and cephalopods	
— fresh and frozen	100
— cooked	30
	} in edible parts
Fine bakery wares	50
Starches (excluding starches for weaning foods, follow-on formula)	50
Starches and modified starches for weaning foods, follow-on formula and infant formula	10

Foodstuffs	Maximum level expressed as SO ₂ (mg/kg or mg/l as appropriate)
Sago	30
Pearled barley	30
Dehydrated granulated potatoes	500
Cereal and potato based snacks	100
Peeled potatoes	50
Processed potatoes (including frozen potatoes)	100
Potato dough	100
White vegetables, dried	500
White vegetables, processed (including frozen white vegetables)	50
White cardamom, cumin and caraway seed	500
Dried ginger	500
Dried tomatoes	500
Horseradish pulp	1 000
Onion, garlic and shallot pulp	300
Onions in vinegar	300
Other vegetables and fruits in vinegar, oil or brine	100
Processed mushrooms (including frozen mushrooms)	100
Dried fruits	
— apricots, peaches, pears, grapes, prunes and figs	2 000
— bananas	1 000
— apples	1 500
— other (including shell nuts)	500
Dried coconut	50
Peeled fruit and citrus peel	100
Candied fruit and candied citrus peel	100
Jam, jelly and marmalade as meant in Directive 79/693/EEC ⁽¹⁾	50
Energy reduced jam, jelly and marmalade	50
Other fruit based sandwich spreads	50
Fruit preparations	200
Citrus juice based seasonings	300
Concentrated grape juice for home wine making	2 000
Fruit mustard, fruit curd and fruit chutney	100
Jellying fruit extract, liquid pectin	
— for sale to the final consumer	800
Canned and bottled fruit (with heart cherries, mixtures with white heart cherries, rehydrated dried fruit and lychees and sliced lemon)	100
Sugars as meant in Directive 73/437/EEC ⁽²⁾	15
— except glucose syrup, whether or not dehydrated:	20
Other sugars	40
Sugar toppings (syrups for pancakes etc.)	40

⁽¹⁾ OJ No L 205, 13. 8. 1979, p. 5.

⁽²⁾ OJ No L 356, 27. 12. 1973, p. 71.

Foodstuffs	Maximum level expressed as SO ₂ (mg/kg or mg/l as appropriate)
Concentrates of citrus fruit juice, apple juice and pineapple juice	350
Orange, grapefruit, apple and pineapple juice	50
Lime and lemon juice	350
Concentrates based on fruit juice and containing not less than 0,5% barley on a ready to drink basis	350
Other concentrates based on fruit juice or comminuted fruit	250
Non-alcoholic fruit juice based drinks	20 (carry-over from concentrates only)
Water based flavoured drinks containing glucose syrup as the main carbohydrate	50
Grape juice, unfermented, for sacramental use	70
Grape juice	15
Glucose-based confectionery	50
Beer, including low and alcohol free beer	30
Cask-conditioned beer	50
Wines	as in Regulation (EEC) No 822/87 ⁽¹⁾
Alcohol-free wine	200
Cider, perry, fruit wine, sparkling fruit wine	200
Mead	100
Fermentation vinegar	170
Mustard, excluding Dijon mustard	250
Dijon mustard	500
Gelatin	50
Vegetable and cereal proteins	200
Vegetable and cereal protein-based meat, fish and crustacean analogues	200

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

C. Other preservatives

EEC No	Name	Foodstuffs	Maximum level
E 230	Biphenyl, diphenyl	Surface treatment of citrus fruit	70 mg/kg
E 231	Orthophenyl phenol	} Surface treatment of citrus fruit	} 12 mg/kg singly or in combination expressed as orthophenyl phenol
E 232	Sodium orthophenyl phenol		
E 233	Thiabendazole	Surface treatment of — citrus fruit — bananas	6 mg/kg 3 mg/kg
E 234	Nisin	Semolina and tapioca puddings Cheese and processed cheese	1 mg/kg 12,5 mg/kg
E 235	Natamycin	Surface treatment of — hard, semi-hard and semi-soft cheese — dried, cured sausages	} 1 mg/dm ² surface (not present at a depth of 5 mm)
E 236	Formic acid	Sauces	
E 237	Sodium formate	Non-alcoholic water based flavoured drinks	100 mg/l
E 238	Calcium formate	Preserves of gherkins	1 000 mg/kg (expressed as formic acid)

EEC No	Name	Foodstuffs	Maximum level
E 239	Hexamethylene tetramine	'Provolone' cheese	25 mg/kg (residual amount, expressed as formaldehyde)
E 242	Dimethyl dicarbonate	Non-alcoholic water based and fruit juice based flavoured drinks Canned liquid tea and herbal infusions Alcohol free wine	250 mg/l 250 mg/l 250 mg/l (ingoing amount, residues not detectable)
	Boric acid and sodium tetraborate (borax)	Caviar	4 g/kg (expressed as boric acid)

EEC No	Name	Foodstuffs	Ingoing amount	Residual amount
			(in mg/kg)	
E 249	Potassium nitrite ⁽¹⁾	Non-heat treated, cured, dried meat products	150 ⁽⁵⁾	50 ⁽²⁾
E 250	Sodium nitrite ⁽¹⁾	Other cured meat products Cured bacon	150 ⁽⁵⁾	100 ⁽²⁾ 175 ⁽²⁾
E 251	Sodium nitrate	Cured meat products	300 ⁽³⁾	
E 252	Potassium nitrate	Hard and semi-hard cheese and analogues based on vegetable fat or vegetable protein Pickled herring and sprat		50 ⁽³⁾ 200 ⁽⁴⁾

⁽¹⁾ When labelled 'for food use', nitrite may only be sold in a mixture with salt or a salt substitute.

⁽²⁾ Residual amount at point of sale to the final consumer, expressed as NaNO₂.

⁽³⁾ Expressed as NaNO₃.

⁽⁴⁾ Residual amount, nitrite formed from nitrate included, expressed as NaNO₂.

⁽⁵⁾ Expressed as NaNO₂.

EEC No	Name	Foodstuffs	Maximum level
E 280	Propionic acid ⁽¹⁾	Prepacked sliced bread	1 000 mg/kg (expressed as propionic acid)
E 281	Sodium propionate ⁽¹⁾	Energy reduced bread	
E 282	Calcium propionate ⁽¹⁾	Partially baked and packed bread Prepacked fine bakery wares (including flour confectionery) with a water activity of more than 0,65	
E 283	Potassium propionate ⁽¹⁾	Rye bread	3 000 mg/kg (expressed as propionic acid)
E 1105	Lysozyme	Cheese	<i>Quantum satis</i>

⁽¹⁾ Propionic acid and its salts may be present in certain fermented products resulting from the fermentation process following good manufacturing practice.

D. Other antioxidants

Notes

1. Maximum levels are expressed in mg/kg and relate to the levels at the point of sale to the final consumer.
2. The * in the table refers to the proportionality rule: when combinations of gallates, BHA and BHT are used, the individual levels must be reduced proportionally.

EEC No	Name	Foodstuffs	Maximum level
E 310	Propyl gallate	Fats and oils for the professional manufacture of heat-treated foodstuffs Frying oil and frying fat Lard, tallow, fish oil, poultry and sheep fat	200* (gallates and BHA, singly or in combination)
E 311	Octyl gallate		
E 312	Dodecyl gallate		100* (BHT) both
E 320	Butylated hydroxyanisole (BHA)		
E 321	Butylated hydroxytoluene (BHT)		
		Cereal-based snack foods Milk powder for vending machines Soups and broths Sauces Spices Preserved fish products and fish preserves	expressed on fat 200* (gallates and BHA, singly or in combination)
		Processed nuts Dehydrated potato products Precooked cereals Breakfast cereals	200 (gallates and BHA, singly or in combination) 25 (gallates and BHA singly or in combination)
		Chewing gum Dietary supplements	400 (gallates, BHA and BHT, singly or in combination)
E 315	Erythorbic acid	Semi-preserved and preserved meat products	500
E 316	Sodium erythorbate	Preserved and semi-preserved fish products	1 500
		Jams, jellies, marmalades, and similar products	200
		Primary egg products	1 000
E 1102	Glucose oxidase	Non-alcoholic water or fruit-juice-based drinks Sauces	<i>Quantum satis</i>

ANNEX IV

OTHER PERMITTED ADDITIVES

Notes

1. The maximum levels of use indicated refer to foodstuffs ready for consumption prepared following manufacturers' instructions.
2. The substances listed under number E 407 may be standardized with sugars, on condition that this is stated in addition to its numer and designation.

EEC No	Name	Foodstuffs	Maximum level
E 297	Fumaric acid	<i>Pro memoria:</i> Wine in respect of Regulation (EEC) No 1873/84 ⁽¹⁾	
		Fillings and toppings for fine bakery wares	4 g/kg
		Sugar confectionery	5 g/kg
		Desserts (jelly-like and fruit-flavoured)	4 g/kg
		Surimi, minced and creamed fish	1 g/kg
		Tea and herbal infusions, instant tea	5 g/kg
		Chewing gum	5 g/kg

In the following applications, phosphoric acid and the phosphates E 338, E 339, E 340, E 341, E 450, E 451 and E 452 may be used singly or in combination up to the maximum level, which is expressed as P₂O₅ in w/w.

E 338	Phosphoric acid	Non-alcoholic flavoured drinks	700 mg/l (E 338 only)
E 339	Sodium phosphates	Sterilized and UHT milk	1 g/l
	(i) Monosodium phosphate	Partly dehydrated milk with less than 28 % solids	1 g/kg
	(ii) Disodium phosphate	Partly dehydrated milk with more than 28 % solids	1,5 g/kg
E 340	(iii) Trisodium phosphate	Dried milk and dried skimmed milk	2,5 g/kg
	Potassium phosphates	Sterilized and UHT creams	5 g/kg
	(i) Monopotassium phosphate	Whipped cream and vegetable fat analogues	5 g/kg
E 341	(ii) Dipotassium phosphate	Unripened cheese	2 g/kg
	(iii) Tripotassium phosphate	Processed cheese	20 g/kg
		Meat products	5 g/kg
E 450		Sport drinks and prepared table waters	0,5 g/l
	Calcium phosphates	Dietary supplements	<i>Quantum satis</i>
	(i) Monocalcium phosphate	Milk or vegetable proteins	20 g/kg
	(ii) Dicalcium phosphate	Beverage whiteners	30 g/kg
	(iii) Tricalcium phosphate	Beverage whiteners for vending machines	50 g/kg
	Diphosphates	Edible ices	1 g/kg
	(i) Disodium diphosphate	Desserts	3 g/kg
(ii) Trisodium diphosphate	Fine bakery wares	10 g/kg	
(iii) Tetrasodium diphosphate	Flour	2,5 g/kg	
(iv) Dipotassium diphosphate	Flour, self-raising	20 g/kg	
(v) Tetrapotassium diphosphate	Soda bread	10 g/kg	
(vi) Dicalcium diphosphate	Liquid egg (white, yolk or whole egg)	10 g/kg	
(vii) Calcium dihydrogen diphosphate	Sauces	5 g/kg	

⁽¹⁾ OJ No L 176, 3. 7. 1984, p. 6.

EEC No	Name	Foodstuffs	Maximum level
E 451	Triphosphates (i) Pentasodium triphosphate (ii) Pentapotassium triphosphate	Soups and broths Tea and herbal infusions Cider and perry	3 g/kg 2 g/kg 2 g/kg
E 452	Polyphosphates (i) Sodium polyphosphate (ii) Potassium polyphosphate (iii) Sodium calcium polyphosphate (iv) Calcium polyphosphate	Chewing gum Dried powdered foodstuffs Chocolate and malt dairy based drinks Alcoholic drinks excluding wine and beer Breakfast cereals Other processed foodstuffs	<i>Quantum satis</i> ⁽¹⁾ 10 g/kg ⁽²⁾ 2 g/l 1 g/l 10 g/kg 5 g/kg
E 431	Polyoxyethylene(40)stearate	<i>Pro memoria:</i> wine in respect of Regulation (EEC) No 1873/84	
E 353	Metatartaric acid	Wine	As specified in Regulation (EEC) No 822/87 ⁽³⁾
E 355	Adipic acid	Fillings and toppings for fine bakery wares	Expressed as adipic acid 5 g/kg
E 356	Sodium adipate	Desserts (jelly-like and fruit-flavoured)	5 g/kg
E 357	Potassium adipate	Powders for home preparation of drinks Chewing gum	10 g/kg 20 g/kg
E 363	Succinic acid	Desserts Soups and broths Minced and creamed fish Powders for home preparation of drinks	6 g/kg <i>Quantum satis</i> <i>Quantum satis</i> <i>Quantum satis</i>
E 385	Calcium disodium ethylene diamine tetra-acetate (Calcium disodium EDTA)	Emulsified sauces Canned and bottled pulses, legumes, mushrooms and artichokes Canned and bottled crustaceans Canned and bottled fish Minarine	75 mg/kg 250 mg/kg 250 mg/kg 75 mg/kg 100 mg/kg
E 405	Propane-1,2-diol alginate	Fat emulsions Fine bakery wares Fillings, toppings and coatings for fine bakery wares and desserts Sugar confectionery Water based edible ices Cereal and potato based snacks Sauces Beer Chewing gum Fruit and vegetable preparations Non-alcoholic flavoured drinks Emulsified liqueur Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal Dietary food supplements	3 g/kg 2 g/kg 5 g/kg 5 g/kg 3 g/kg 3 g/kg 10 g/kg 100 mg/l 10 g/kg 5 g/kg 300 mg/l 10 g/l 1 g/kg 1 g/kg

⁽¹⁾ E 341 (ii) only.⁽²⁾ E 341 (iii) only.⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1.

EEC N.	Name	Foodstuffs	Maximum level
E 407	Carrageenan	Partially dehydrated milk Dried milk Unripened cheese Processed cheese Reduced fat spreads Desserts Sauces Diary based drinks Other foodstuffs	150 mg/l 5 g/kg 5 g/kg 5 g/kg 10 g/kg 20 g/kg 20 g/kg 500 mg/l 15 g/kg
E 416	Karayagum	Cereal and potato-based snacks Nut coatings Fillings, toppings and coatings for fine bakery wares Desserts Emulsified sauces Egg based liqueurs Dietary food supplements	5 g/kg 10 g/kg 5 g/kg 6 g/kg 20 g/kg 10 g/kg <i>Quantum satis</i>
E 420	Sorbitol (i) Sorbitol (ii) Sorbitol syrup	Foodstuffs in general excluding water based flavoured non-alcoholic drinks	<i>Quantum satis</i> (for purposes other than sweetening)
E 421	Mannitol		
E 953	Isomalt		
E 959	Maltitol (i) Maltitol (ii) Maltitol syrup		
E 966	Lactitol		
E 969	Xylitol		
E 432	Polyoxyethylene sorbitan monolaurate (polysorbate 20)		
E 433	Polyoxyethylene sorbitan monooleate (polysorbate 80)	Fat emulsions for baking purposes Milk- and cream analogues	10 g/kg 5 g/kg
E 434	Polyoxyethylene sorbitan monopalmitate (polysorbate 40)	Edible ices Desserts	1 g/kg 3 g/kg
E 435	Polyoxyethylene sorbitan monostearate (polysorbate 60)	Sugar confectionary	1 g/kg
E 436	Polyoxyethylene sorbitan tristearate (polysorbate 65)	Emulsified sauces Soups Chewing gum Dietary food supplements Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	5 g/kg 1 g/kg 20 g/kg <i>Quantum satis</i> 1 g/kg
E 442	Ammonium phosphatides	Chocolate and cocoa based confectionery	10 mg/l
E 445	Glycerol esters of wood rosins	Non-alcoholic cloudy drinks Alcoholic cloudy drinks	100 mg/l 200 mg/l

EEC N.	Name	Foodstuffs	Maximum level
E 461	Methylcellulose	Fine bakery wares	Singly or in combination 10 g/kg
E 463	Hydroxy propylcellulose	Sterilized cream	2 g/kg
E 464	Hydroxy propylmethyl cellulose	Edible ices	5 g/kg
E 465	Ethylmethyl cellulose	Desserts	5 g/kg
E 466	Carboxymethyl cellulose	Flavoured water or dairy-based drinks	2 g/l
		Solid processed foodstuffs (bread, jam, jelly, marmalade and chocolate excluded)	5 g/kg
		Soups and broths	5 g/l
		Sauces	5 g/kg
		Jelly coatings for fish and meat products	5 g/kg
		Gluten-free bakery products	4 g/kg
		Vegetable and cereal protein-based meat, fish and crustacean analogues	20 g/kg
		Emulsified liquers	10 g/l
		Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	1 g/kg
		Dietary food supplements	5 g/kg
E 473	Sucrose esters of fatty acids	Canned liquid coffee	Singly or in combination 1 g/kg
E 474	Sucroglycerides	Heat treated meat products	5 g/kg on fat
		Fat emulsions for baking purposes	10 g/kg
		Beverage whiteners	20 g/kg
		Edible ices	5 g/kg
		Sugar confectionary	5 g/kg
		Desserts	5 g/kg
		Sauces	10 g/kg
		Soups and broths	2 g/kg
		Fresh fruits, surface treatment	<i>Quantum satis</i>
		Emulsified non-alcoholic anisette	5 g/l
		Spirituous beverages (excluding wine and beer)	5 g/l
		Dietary food supplements	<i>Quantum satis</i>
		Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	5 g/kg
		Chewing gum	10 g/kg
E 475	Polyglycerol esters of fatty acids	Fine bakery wares	10 g/kg
		Emulsified liqueurs	5 g/kg
		Egg products	1 g/kg
		Beverage whiteners	0,5 g/kg
		Chewing gum	5 g/kg
		Fat emulsions	5 g/kg
		Milk- and cream analogues	5 g/kg
		Sugar confectionary	5 g/kg
		Desserts	10 g/kg
		Dietary food supplements	<i>Quantum satis</i>
		Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	5 g/kg
E 476	Polyglycerol polyricinoleate	Low and very low-fat spreads and dressings	4 g/kg
		Chocolate and cocoa-based confectionary	5 g/kg

EEC No	Name	Foodstuffs	Maximum level
E 477	Propane-1,2-diol esters of fatty acids	Fine bakery wares Fat emulsions for baking purposes Milk and cream analogues Beverage whiteners Edible ices Sugar confectionery Desserts Whipped dessert toppings other than cream Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal	10 g/kg 20 g/kg 5 g/kg 1 g/kg 3 g/kg 5 g/kg 5 g/kg 30 g/kg 1 g/kg
E 479a	Thermally oxidized soya-bean oil	Fat emulsions for baking and frying purposes	4 g/kg
E 479b	Thermally oxidized soya-bean oil interacted with mono- and diglycerides of fatty acids	Fat emulsions for baking and frying purposes	10 g/kg
E 481 E 482	Sodium stearoyl-2-lactylate Calcium stearoyl-2-lactylate	Fine bakery wares Quick-cooking rice Breakfast cereals Emulsified liqueur Cereal-based snacks Chewing gum Fat emulsions Desserts Sugar confectionery Beverage whiteners (without phosphates) Cereal and potato-bases snacks Meat products Powders for the preparation of hot beverages Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal Bread	Singly or in combination 5 g/kg 4 g/kg 5 g/kg 8 g/kg 2 g/kg 2 g/kg 10 g/kg 5 g/kg 5 g/kg 1 g/kg 5 g/kg 1 g/kg 2 g/kg 2 g/kg 2 g/kg 5 g/kg
E 483	Stearyl tartrate	Bakery wares Desserts	5 g/kg 5 g/kg
E 491 E 492 E 493 E 494 E 495	Sorbitan monostearate Sorbitan tristearate Sorbitan monolaurate Sorbitan monooleate Sorbitan monopalmitate	Fine bakery wares Jelly marmalade Fat emulsions Milk and cream analogues Beverage whiteners Liquid tea concentrates and liquid fruit and herbal infusions concentrates Edible ices Desserts Sugar confectionery Chocolate and cocoa-based confectionery	Singly or in combination 10 g/kg 25 mg/kg (for E 493 only) 10 g/kg 5 g/kg 5 g/kg 0,5 g/kg 0,5 g/kg 5 g/kg 5 g/kg 10 g/kg (for E 492 only)

EEC No	Name	Foodstuffs	Maximum level
E 495	(cont'd)	Emulsified sauces Dietary food supplements Yeasts for baking purposes Dietetic foods intended for special medical purposes — Dietetic formula for weight control intended to replace total daily food intake or an individual meal Chewing gum <i>Pro memoria:</i> Wine in respect of Regulation (EEC) No 1873/84 — for E 491 only	5 g/kg <i>Quantum satis</i> 10 g/kg 5 g/kg 5 g/kg
E 512	Stannous chloride	Canned and bottled white vegetables	25 mg/kg as Sn
E 520	Aluminium sulphate	Egg white	Singly or in combination 30 mg/kg as Al
E 521	Aluminium sodium sulphate	Candied fruit	200 mg/kg
E 522	Aluminium potassium sulphate		
E 523	Aluminium ammonium sulphate		
E 541	Sodium aluminium phosphate, acidic	Fine bakery wares (scones and sponge wares only)	2,6 g/kg as Al
E 535	Sodium ferrocyanide	Salt and salt substitutes	Singly or in combination 20 mg/kg as anhydrous potassium ferrocyanide
E 536	Potassium ferrocyanide		
E 538	Calcium ferrocyanide		
E 551	Silicon dioxide	Rice (for E 553b only)	<i>Quantum satis</i>
E 552	Calcium silicate	Dried powdered foodstuffs	10 g/kg
E 553a	(i) Magnesium silicate (ii) Magnesium trisilicate ⁽¹⁾	Sodium chloride and salt substitutes Dietary food supplements	10 g/kg <i>Quantum satis</i>
E 553b	Talc ⁽¹⁾	Foodstuffs in table form Chewing gum	<i>Quantum satis</i> <i>Quantum satis</i> (for E 553b only)
E 554	Sodium aluminium silicate		
E 555	Potassium aluminium silicate		
E 556	Calcium aluminium silicate		
E 558	Bentonite		
E 559	Aluminium silicate (Kalin)		
E 579	Ferrous gluconate	Black olives	150 mg/kg as Fe
E 585	Ferrous lactate		
E 626	Guanylic acid	Foodstuffs in general	500 mg/kg singly or in combination, expressed as guanylic acid
E 627	Disodium guanylate		<i>Quantum satis</i>
E 628	dipotassium guanylate		
E 629	Calcium guanylate		
E 630	Inosinic acid	Seasonings and condiments	
E 631	Disodium inosinate		
E 632	Dipotassium inosinate		
E 633	Calcium inosinate		
E 634	Calcium-5'-ribonucleotides		
E 635	Disodium-5'-ribonucleotide		

⁽¹⁾ Asbestos free.

EEC No	Name	Foodstuffs	Maximum level
E 636	Maltol	Chewing gum	300 mg/kg
E 637	Ethyl maltol	Chewing gum	300 mg/kg
E 900	Dimethyl polysiloxane	Foodstuffs in general Chewing gum <i>Pro Memoria Wine</i> (in respect of Council Regulation 84/1873/EEC)	10 mg/kg 100 mg/kg
E 901	Bees wax, white and yellow	Confectionery and small products of fine bakery wares coated with chocolate } Snacks } Nuts } Coffee beans } Dietary food supplements } Fresh citrus fruits, melons, apples and pears, surface treatment only } as glazing agents	<i>Quantum satis</i>
E 902	Candelilla wax		<i>Quantum satis</i>
E 903	Carnauba wax		<i>Quantum satis</i>
E 904	Shellac		<i>Quantum satis</i>
E 912	Montan acid esters	Fresh citrus fruits, surface treatment only	<i>Quantum satis</i>
E 914	Oxidized polyethylene wax		
E 927b	Carbamide	Sugar-free chewing gum	30 g/kg
E 950	Acesulfame-K	Chewing gum	(¹) 800 mg/kg
E 951	Aspartame		2 500 mg/kg
E 957	Thaumatococcus		10 mg/kg (as flavour enhancer only)
E 959	Neohesperidine-DC	Chewing gum Margarine Minarine Meat products Meat pates Fruit jellies Vegetable protein products	150 mg/kg 5 mg/kg (as flavour enhancer only)
E 999	Quillaia extract	Water based flavoured non-alcoholic drinks	200 mg/l
E 1103	Invertase	Sugar confectionery and filling for fine bakery wares	<i>Quantum satis</i>
E 1505	Triethyl citrate	Dried egg white	<i>Quantum satis</i>

(¹) If E 950, E 951 and E 959 are used in combination levels, they are proportionally reduced.

ANNEX V

PERMITTED CARRIERS AND CARRIER SOLVENTS

Note

Not included in this list are:

1. substances generally considered as foodstuffs;
2. substances meant in Article 1 (4);
3. substances having primarily an acid or acidity regulator function, such as citric acid and ammonium hydroxide.

EEC No	Name	Restricted use
—	Propan-1,2-diol (propylene glycol)	Colours, emulsifiers, antioxidants and enzymes
E 422	Glycerol	
E 420	Sorbitol	Colours and fat-soluble Antioxidants only
E 421	Mannitol	
E 953	Isomalt	
E 965	Maltitol	
E 966	Lactitol	
E 967	Xylitol	
E 400 to E 404	Alginic acid and its sodium, potassium calcium and ammonium salts	
E 405	Propan-1,2-diol alginate	
E 406	Agar	
E 407	Carrageenan	
E 410	Locust bean gum	
E 412	Guar gum	
E 413	Tragacanth	
E 414	Acacia gum (gum arabic)	
E 415	Xanthan gum	
E 440	Pectins	
E 460	Cellulose (microcrystalline or powdered)	
E 461	Methyl cellulose	
E 463	Hydroxypropyl cellulose	
E 464	Hydroxypropyl methyl cellulose	
E 465	Ethyl methyl cellulose	
E 466	Carboxy methyl cellulose Sodium carboxy methyl cellulose	
E 322	Lecithins	
E 432 to E 436	Polysorbates 20, 40, 60, 65 and 80	
E 470b	Magnesium salts of fatty acids	
E 471	Mono- and diglycerides of fatty acids	
E 472a	Acetic acid esters of mono- and diglycerides of fatty acids	
E 472c	Citric acid esters of mono- and diglycerides of fatty acids	
E 472e	Mono- and diacetyl tartaric acid esters of mono- and diglycerides of fatty acids	
E 473	Sucrose esters of fatty acids	
E 475	Polyglycerol esters of fatty acids	

EEC No	Name	Restricted use
E 491	Sorbitan esters	} Colours and anti-foaming agents only
E 492		
E 493		
E 494		
E 495		
	Polyethylene glycol	Enzyme preparations only, maximum 10%
E 1404	Oxidized starch	
E 1410	Monostarch phosphate	
E 1412	Distarch phosphate	
E 1413	Phosphated distarch phosphate	
E 1414	Acetylated distarch phosphate	
E 1420	Acetylated starch	
E 1422	Acetylated distarch adipate	
E 1440	Hydroxy propyl starch	
E 1442	Hydroxy propyl distarch phosphate	
E 1450	Starch sodium octenyl succinate	
E 170	Calcium carbonates	
E 501	Potassium carbonates	
E 504	Magnesium carbonates	
E 508	Potassium chloride	
E 509	Calcium chloride	
E 511	Magnesium chloride	
E 514	Sodium sulphate	
E 515	Potassium sulphate	
E 516	Calcium sulphate	
E 517	Ammonium sulphate	
E 341	Calcium phosphates	
E 263	Calcium acetate	
E 331	Sodium citrates	
E 332	Potassium citrates	
E 577	Potassium gluconate	
E 640	Glycine and its sodium salt	
E 1505	Triethyl citrate	
E 1518	Glyceryl triacetate (triacetin)	
E 551	Silicon dioxide	} Emulsifiers and colours, maximum 5%
E 552	Calcium silicate	
E 553b	Talc	} Colours only, maximum 5%
E 558	Bentonite	
E 559	Aluminium silicate (Kaolin)	
E 901	Bees wax	Colours only
E 1200	Polydextrose	

ANNEX VI

FOOD ADDITIVES PERMITTED IN INFANT FORMULA, IN FOLLOW-ON FORMULA AND IN WEANING FOODS

Note

Formula and weaning foods for infants and young children may contain E 414 acacia gum (gum arabic) and E 551 silicon dioxide resulting from the addition of nutrient preparations containing not more than 10 g/kg of each of these substances, as well as E 421 mannitol when used as a carrier for vitamin B 12 (not less than 1 part vitamin B 12 to 1 000 parts mannitol).

The maximum levels of use indicated refer to foodstuffs ready for consumption prepared following manufacturers' instructions.

I. Food additives permitted in infant formula for infants in good health

Notes

1. For the manufacture of infant formula, non-pathogenic L(+) -lactic acid producing cultures may be used.
2. If more than one of the substances E 322 and E 471 is added to a foodstuff, the maximum level established for that foodstuff for each of those substances is lowered with that relative part as is present of the other substance in that foodstuff.

EEC No	Name	Maximum level
E 270	Lactic acid (L(+) -form only)	<i>Quantum satis</i>
E 330	Citric acid	<i>Quantum satis</i>
E 306	Tocopherol-rich extract	} 10 mg/l singly or in combination
E 307	Alpha-tocopherol	
E 308	Gamma-tocopherol	
E 309	Delta-tocopherol	
E 322	Lecithins	5 g/l
E 471	Mono- and diglycerides	4 g/l

II. Food additives permitted in follow-on formula for infants in good health

Notes

1. For the manufacture of acidified milks, non-pathogenic L(+) -lactic acid producing cultures may be used.
2. If more than one of the substances E 322 and E 471 is added to a foodstuff, the maximum level established for that foodstuff for each of those substances is lowered with that relative part as is present of the other substance in that foodstuff.
3. If more than one of the substances E 407, E 410 and E 412 is added to a foodstuff, the maximum level established for that foodstuff for each of those substances is lowered with that relative part as is present of the other substances together in that foodstuff.

EEC No	Name	Maximum level
E 270	Lactic acid (L(+)-form only)	<i>Quantum satis</i>
E 330	Citric acid	<i>Quantum satis</i>
E 306	Tocopherol-rich extract	} 10 mg/l singly or in combination
E 307	Alpha-tocopherol	
E 308	Gamma-tocopherol	
E 309	Delta-tocopherol	
E 322	Lecithins	5 g/l
E 471	Mono- and diglycerides	4 g/l
E 407	Carrageenan	0,3 g/l
E 410	Locust bean gum	1 g/l
E 412	Guar gum	1 g/l

III. Food additives permitted in weaning foods for infants and young children in good health

EEC No	Name	Foodstuffs	Maximum level
E 170	Calcium carbonates	Weaning foods	<i>Quantum satis</i> (only for pH adjustment)
E 260	Acetic acid		
E 261	Potassium acetate		
E 262	Sodium acetates		
E 263	Calcium acetate		
E 270	Lactic acid ⁽¹⁾		
E 296	Malic acid		
E 325	Sodium lactate ⁽¹⁾		
E 326	Potassium lactate ⁽¹⁾		
E 327	Calcium lactate ⁽¹⁾		
E 330	Citric acid		
E 331	Sodium citrates		
E 332	Potassium citrates		
E 333	Calcium citrates		
E 500	Sodium carbonates		
E 501	Potassium carbonates		
E 503	Ammonium carbonates		
E 507	Hydrochloric acid		
E 524	Sodium hydroxide		
E 525	Potassium hydroxide		
E 526	Calcium hydroxide		
E 300	L-Ascorbic acid	Fruit and vegetable-based drinks, juices and baby foods	Singly or in combination, expressed as Ascorbic acid 0,3 g/kg
E 301	Sodium L-Ascorbate	Fat containing cereal-based foods including biscuits and rusks	0,2 g/kg
E 302	Calcium L-Ascorbate		

⁽¹⁾ L(+) form only.

EEC No	Name	Foodstuffs	Maximum level
E 304 E 306 E 307 E 308 E 309	L-Ascorbyl palmitate Tocopherol-rich extract Alpha-tocopherol Gamma-tocopherol Delta-tocopherol	Fat containing cereals, biscuits, rusks and baby foods	0,1 g/kg singly or in combination
E 338	Phosphoric acid	Weaning foods	1 g/kg as P ₂ O ₅ (only for pH adjustment)
E 339 E 340 E 341	Sodium phosphates Potassium phosphates Calcium phosphates	Cereals	1 g/kg singly or in combination, expressed as P ₂ O ₅
E 322	Lecithins	Biscuits and rusks Cereal-based foods Baby foods	10 g/kg
E 471 E 472a E 472b E 472c	Mono- and diglycerides of fatty acids Acetic acid esters of mono- and diglycerides of fatty acids Lactic acid esters of mono- and diglycerides of fatty acids Citric acid esters of mono- and diglycerides of fatty acids	Biscuits and rusks Cereal-based foods Baby foods	5 g/kg singly or in combination
E 400 E 401 E 402 E 404	Alginic acid Sodium alginate Potassium alginate Calcium alginate	Desserts Pudding	0,5 g/kg singly or in combination
E 410 E 412 E 414 E 415 E 440 E 460 (i)	Locust bean gum Guar gum Acacia gum (gum arabic) Xanthan gum Pectins Microcrystalline cellulose	Weaning foods Gluten free cereal based foods	10 g/kg singly or in combination) 20 g/kg singly or in combination
E 551	Silicon dioxide	Dry cereals	2 g/kg
E 334 E 335 E 336 E 450a E 575	Tartaric Sodium tartrate Potassium tartrate Disodium diphosphate Glucono-delta-lactone	Biscuits and rusks	5 g/kg as a residue

EEC No	Name	Foodstuffs	Maximum level
E 1404	Oxidized starch	Weaning foods	50 g/kg
E 1410	Monostarch phosphate		
E 1412	Distarch phosphate		
E 1413	Phosphated distarch phosphate		
E 1414	Acetylated distarch phosphate		
E 1420	Acetylated starch		
E 1422	Acetylated distarch adipate		
E 1450	Starch sodium octenyl succinate		

IV. Food additives permitted in infant formula, in follow-on formula and in weaning foods for special medical purposes

See corresponding tables of Annex VI.

Amendment to the proposal for a council regulation on licencing of air carriers

(92/C 206/04)

COM(92) 274 final

(Submitted by the Commission on 19 June 1992 pursuant to Article 149 (3) of the EEC Treaty)

COMMISSION TEXT ⁽¹⁾

AMENDMENTS

Amendment No 1

Article 2 (e)

- (e) *business plan* means a detailed description of the air carrier's intended commercial activities for the period in question, in particular in relation to the market developments and investments to be carried out, including the financial and economic implications of these activities;

Article 2 (e)

- (e) *business plan* means a description of the air carrier's intended commercial activities for the period in question, in particular in relation to the market developments and investments to be carried out, including the financial and economic implications of these activities;

Amendment No 2

Article 2 (f)

- (f) *management account* means a detailed statement of income and costs for the period in question including a breakdown between air transport related and other activities, as well as between pecuniary and nonpecuniary elements.

Article 2 (f)

- (f) *management account* means a statement of income and costs for the period in question including a breakdown between air transport related and other activities, as well as between pecuniary and nonpecuniary elements.

Amendment No 3

Article 2 (f) (i) (new)

- f (i) *effective control* means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:
- (a) ownership or the right to use all or part of the assets of an undertaking;
 - (b) rights or contracts which confer decisive influence on the composition, voting or decisions of the bodies of an undertaking.

⁽¹⁾ For full text see COM(91) 275 final — OJ No C 258, 4. 10. 1991.

COMMISSION TEXT

AMENDMENTS

Amendment No 4

Article 4 (1)

1. No undertaking shall be granted an operating licence by a Member State unless air transport is its main occupation and the registered office and principal place of business is located in that Member State.

Article 4 (1)

1. No undertaking shall be granted an operating licence by a Member State unless air transport is its main occupation and the registered office and principal place of business is located in that Member State. An operating licence for a subsidiary shall be granted by the Member State where the subsidiary has been set up by the parent company.

Amendment No 5

Article 4 (2)

2. The undertaking must be owned and continue to be owned directly or through a majority shareholding by Member States and/or nationals of Member States. It must at all times be effectively controlled by such states or nationals. The majority of the board must be representatives of such states or nationals.

Article 4 (2)

2. The undertaking and its management must be controlled and continue to be controlled directly or through a majority shareholding by Member States and/or nationals of Member States. It must at all times be effectively and decisively controlled by such states or nationals. The majority of the board of management and/or any other supervisory board must be representatives of such states or nationals.

Amendment No 6

Article 4 (3)

3. Notwithstanding paragraph 2 air carriers which have already been recognised in Annex I to Council Regulations (EEC) No 2343/90 and (EEC) No 294/91 retain their rights under this and associated Regulations as long as they meet the other obligations in the present Regulation.

Article 4 (3)

3. Notwithstanding paragraph 2 an air carrier which, at the time of adoption of this Regulation:

- (i) either has its central administration and principal place of business in the Community and has been providing scheduled or non-scheduled air services in the Community during the 12 months prior to adoption of this Regulation;
- (ii) or has been providing scheduled air services between Member States on the basis of third and fourth freedom traffic rights during the 12 months prior to adoption of this Regulation;
- (iii) or is an air carrier established subsequently to the adoption of this Regulation;

shall also be granted rights under this and associated Regulations as long as it:

- (i) meets the other obligations in this Regulation; and
- (ii) continues to have its central administration and principal place of business in the Community; and
- (iii) is not controlled, directly or indirectly, by any other non-Community interests.

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Amendment No 7

Article 4 (6)

6. An air carrier must on request at any time be able to demonstrate to the state responsible for the operating licence and the Commission that it meets the requirements of this Article.

Article 4 (6)

6. An air carrier must on request at any time be able to demonstrate to the state responsible for the operating licence that it meets the requirements of this Article.

Amendment No 8

Article 4 (7)

7. Where a Member State is not convinced that an air carrier meets the requirements of this Article it may ask the Commission to verify the situation.

Article 4 (7)

7. Where a Member State is not convinced that an air carrier meets the requirements of this Article it may ask the Commission to verify the situation. The air carrier shall then be required to demonstrate to the Commission that it meets the requirements of this Article.

Amendment No 9

Article 5 (2) (a)

(a) An air carrier operating aircraft with less than 20 seats and/or 10 tonnes MTOW shall at all times be able to demonstrate that its net capital is at least ECU 100 000.

Article 5 (2) (a)

(a) An air carrier operating aircraft with less than 20 seats and/or 10 tonnes MTOW shall, pursuant to paragraph 1 (a) of this Article, at all times be able to demonstrate that its net capital is at least ECU 100 000.

Amendment No 10

Article 5 (2) (b)

(b) Any other air carrier must at all times and in particular after 12 months of operation be able to demonstrate to the reasonable satisfaction of the licensing authorities that it can meet its actual potential obligations for a period of 12 months.

Article 5 (2) (b)

(b) Any other air carrier must if requested and in particular after 12 months of operation be able to demonstrate to the reasonable satisfaction of the licensing authorities that it can meet its actual potential obligations for a period of 12 months.

Amendment No 11

Article 5 (3), introduction

3. For the purposes of this Article an air carrier shall provide all relevant information and, in particular for the purpose of paragraph 2 (b), it shall, at the beginning of each financial year and when substantial changes in operation, such as the operation of a new scheduled service or a non-scheduled service to a new region, have been decided, submit:

Article 5 (3), introduction

3. For the purposes of this Article an air carrier shall provide all relevant information and, in particular for the purpose of paragraph 2 (b), in so far as the Member State so requests, it shall, at the beginning of each financial year and when substantial changes in operation, such as the operation of a new scheduled service or a non-scheduled service to a new region, have been decided, submit:

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Amendment No 12

Article 5 (3) (c)

- (c) quarterly management accounts, unless the licensing authorities require monthly accounts, to be provided no more than four weeks after the period to which they refer; and

Article 5 (3) (c)

- (c) quarterly management accounts, unless the licensing authorities require accounts for shorter periods, to be provided no more than four weeks after the period to which they refer; and

Amendment No 13

Article 5 (4)

4. The licensing authority shall review the financial and economic situation of any air carrier at least every 12 months.

Article 5 (4)

4. If the licensing authorities deem the changes notified under 3 to have a significant bearing on the finances of the air carrier, they shall require the submission of a revised business plan incorporating the changes in question and covering at least a period of 12 months from its date of implementation as well as all the relevant information (including the data mentioned in Annex I) to assess whether the air carrier can meet its existing and potential obligations during that period of 12 months.

Amendment No 14

Article 7

A condition to own aircraft shall not be required for granting or maintaining a licence but a Member State may require the aircraft to be used by an air carrier to be registered within the Community.

Article 7

- (a) An air carrier shall not be required to own aircraft.
- (b) An air carrier may be required to have at its disposal (through ownership, leasing contract or any form of longterm lease), aircraft technically fit for the safe conduct of the operations which are the object of the operating licence.
- (c) A majority of the aircraft used by an air carrier may be required to be registered in the Community or in the Member State issuing the licence.
- (d) A Member State requesting registration of aircraft on its own register must ensure transfers from registers of other Member States without delay and fees.

Amendment No 15

Article 8

An undertaking which carries out commercial aviation activities must be in possession of an AOC. The AOC or an accompanying document shall clearly set out the technical organisation and expertise required in order to ensure the safe operation of the specified aviation activities.

Article 8

1. The issuing and validity at any time of an operating licence is dependent upon the possession of a valid AOC, in accordance with the criteria established in council Regulation (EEC) No . . . /92 of . . . 1992 on harmonization of technical requirements and administrative procedures.

COMMISSION TEXT

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- (a) An undertaking shall not operate an aircraft for the purpose of commercial aviation activities otherwise than under and in accordance with the terms and conditions of an AOC. Annex I sets out the terms and format of an AOC.
- b) An undertaking shall allow the licensing authority to examine all aspects of its intended or actual operations connected with an AOC.

2. Until such time as the Council Regulation referred to in paragraph 1 is applicable, national regulations concerning the AOC or equivalent title concerning the certification of air transport operators shall apply.

Amendment No 16

Article 9 (1a) (new)

1a. It shall not be possible to grant a licence to an undertaking or to maintain the licence of an undertaking which does not meet the technical standards.

In the long run technical standards shall refer to the JAA standards currently under development. Until then the Member States shall continue to decide on the basis of their national requirements.

Amendment No 17

Article 14 (4), second subparagraph (new)

The Commission shall decide within 30 days after reception of the appeal. If the Commission finds that the licence should have been granted it shall direct a motivated decision to the Member State concerned.

Amendment No 18

Article 17 (1)

1. The Commission shall publish a report on the application of this Regulation by 1 January 1994 and every second year thereafter.

Article 17 (1)

1. The Commission shall publish a report on the application of this Regulation by 1 January 1995 and every second year thereafter.

Amendment No 19

Article 17a (new)

No later than 31 December 1992 the Commission shall present to the Council and Parliament a comprehensive report exploring the technical and legal requirements as well as the political perspectives for:

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- (a) the creation of a Community register for air carriers;
- (b) the creation of a Community Civil Aviation Authority.

This report shall outline the different steps and a possible time table for their implementation.

Amendment No 20

ANNEX I

An AOC will indicate the:

1. name and location of the Undertaking;
2. date of issue;
3. description of the type of operations authorized;
4. type(s) of aeroplane authorised for use;
5. registrations marks of the authorised aeroplanes except that an air carrier may obtain approval for an alternative system to inform the authority about the aeroplanes operated under its AOC;
6. authorized areas of operation;
7. names of post holders;
8. special limitation;
9. special authorizations/approvals.

The format of the AOC is in appendix A.

ANNEX I

- A. **Guidelines to be used in assessing a first-time applicant from a financial fitness point of view**
 1. The most recent internal management accounts and, if available, audited accounts for the previous financial year.
 2. A projected balance sheet, including profit and loss account for the following two years.
 3. The basis for projected expenditure and income figures on such items as fuel, tariffs, salaries, maintenance, depreciation, exchange rate, fluctuations, airport charges, insurance, traffic/revenue forecasts, etc . . .
 4. Details of the start-up costs incurred in the period from submission of application to commencement of operations and an explanation of how it is proposed to finance these costs.
 5. Details of existing and projected sources of finance.
 6. Details of shareholders, including nationality and type of shares to be held, and the articles of association. If the applicant is part of a group of companies, information should be supplied on the relationship between them.
 7. Projected cash-flow statements and liquidity plans for the first two years of operations.
 8. Details of the financing of aircraft purchase/leasing including, in the case of leasing, the terms and conditions of contract.

- B. **Guidelines to be used in assessing the continuing financial fitness of existing licence holders planning a change in their structures or in their activities with a significant bearing on their finances.**
 1. if necessary, the most recent internal management balance sheet and audited accounts for the previous financial year.

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2. Precise details of all proposed changes, e.g. change of type of service, proposed takeover or merger, modifications in share capital, changes in shareholders, etc.
 3. A projected balance sheet, with a profit and loss account for the current financial year, including all proposed changes in structure or activities with a significant bearing on finances.
 4. Past and projected expenditure and income figures on such items as fuel tariffs, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, traffic/revenue forecasts, etc.
 5. Cash-flow statements and liquidity plans for the following year, including all proposed changes in structure or activities with a significant bearing on finances.
 6. Details of the financing of aircraft purchase/leasing including, the terms and conditions of contract.
- C. Guidelines to be used in assessing the continuing financial fitness of existing licence holders
1. Audited accounts not later than six months after the end of the relevant period and, if necessary, the most recent internal management balance sheet.
 2. A projected balance sheet, including profit and loss account for the forthcoming year.
 3. Past and projected expenditure and income figures on such items as fuel tariffs, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, traffic/revenue forecasts, etc.
 4. Cash-flow statements and liquidity plans for the following year.
-

Amendment to the proposal for a Council Regulation (EEC) on access for air carriers to intra-Community air routes

(92/C 206/05)

COM(92) 274 final

(Submitted by the Commission on 19 June 1992 pursuant to Article 149 (3) of the EEC Treaty)

COMMISSION TEXT ⁽¹⁾

AMENDMENTS

Amendment No 1

Third recital a (new)

Whereas the objective of a common European air transport policy cannot be reduced to liberalization alone, but must take into account the requirements of regional policy and infrastructural development, pursued as part of an integrated transport policy;

Amendment No 2

Third recital b (new)

Whereas the inadequate existing infrastructures, coupled with the lack of advanced control and air corridor systems, might severely restrict the potential expansion in air traffic resulting from liberalization;

Amendment No 3

Ninth recital

Whereas the development of the air traffic system in the Greek islands and in the Atlantic islands comprising the autonomous region of the Azores is at present inadequate and for this reason airports situated on these islands should be temporarily exempted from the application of this Regulation;

Ninth recital

Whereas the development of the air traffic system in some of the Greek islands and in the Atlantic islands comprising the autonomous region of the Azores is at present inadequate and for this reason airports situated on these islands should be temporarily exempted from the application of this Regulation;

Amendment No 4

Twelfth recital

Whereas it is necessary to make special provision for new air services between regional airports;

Twelfth recital

Whereas it is necessary to make special provision for new air services to and from regional airports;

⁽¹⁾ For full text see COM(91) 275 final — OJ. No C 258, 4. 10. 1991, p. 10.

COMMISSION TEXT

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Amendment No 5

Twentieth recital

Whereas any possibility for an air carrier from a third country to exercise traffic rights between Community airports shall be settled in an agreement between the third country concerned and the Community;

Deleted.

Amendment No 6

Article 1 (4)

4. Airports in the Greek islands and in the Atlantic islands comprising the autonomous region of the Azores shall be exempted from the application of this Regulation until 30 June 1993. Unless otherwise decided by the Council, on a proposal of the Commission, this exemption shall apply for a further period of five years and may be continued for five years thereafter.

Article 1 (4)

4. Airports in the Greek islands with the exception of Corfu, Crete and Rhodes and in the Atlantic islands comprising the autonomous region of the Azores shall be exempted from the application of this Regulation until 30 June 1993. Unless otherwise decided by the Council, on a proposal of the Commission, this exemption shall apply for a further period of five years.

Amendment No 7

Article 2 (d) (i)

(i) it is performed by aircraft for the transport of passengers, cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the air carrier or from its authorised agents);

Article 2 (d) (i)

(i) it is performed by aircraft for the transport of passengers, cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the air carrier or from its authorised agents or from tour operators);

Amendment No 8

Article 2 (g)

(g) *seat-only sales* means the sale of seats, without any other service bundled such as accommodation, directly to the public by the air carrier or its authorised agent;

Article 2 (g)

(g) *seat-only sales* means the sale of seats, without any other service bundled such as accommodation, directly to the public by the air carrier or its authorized agent or by tour operators;

Amendment No 9

Article 3

Subject to this Regulation, Community air carriers shall be permitted by the State(s) concerned to exercise traffic rights between airports or airport systems within the Community when they are open for civil air services.

Article 3

Subject to this Regulation, Community air carriers shall be permitted by the State(s) concerned to exercise traffic rights between airports or airport systems within the Community when they are open for civil air services, subject to the

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reservation that up to 1 January 1995 non-resident Community air carriers shall only be permitted to exercise consecutive cabotage rights and that under the following conditions:

1. (a) the traffic rights are exercised on a service which constitutes and is scheduled as an extension of a service from, or as a preliminary of a service to, their State of registration;
- (b) the air carrier cannot use for this service more than 50% of its seasonal seat capacity on the same third, fourth or fifth-freedom service of which the cabotage service constitutes the extension or the preliminary;
2. (a) the air carrier may, for this service, use an aircraft which is different from but not larger than the aircraft which it uses for the third, fourth or fifth-freedom service of which the cabotage service is an extension or a preliminary;
- (b) when more than one service is operated as an extension of or as a preliminary to a third, fourth or fifth-freedom service, the capacity provision in paragraph 1(b) shall represent the aggregate seat capacity available for the carriage of cabotage passengers on those cabotage services.
3. An air carrier operating a cabotage service in accordance with this Article shall furnish on request to the Member State involved all relevant information concerning:
 - (a) the seasonal seat capacity on the third, fourth or fifth-freedom service of which the cabotage service constitutes the extension or the preliminary; and
 - (b) in the case of cabotage services to which paragraph 2(b) applies, the seasonal capacity utilized on each service.

Amendment No 10

Article 4 (2)

2. Notwithstanding Article 3, a Member State, in a case where one of the air carriers licences by it has started to operate a scheduled passenger air service on a new route between regional airports with aircraft of no more than 80 seats, may refuse a scheduled air service by another air carrier for a period of two years, unless it is operated with aircraft of no more than 80 seats, or it is operated in such a way that not more than 80 seats are available for sale between the two airports in question, on each flight.

Article 4 (2)

2. Notwithstanding Article 3, a Member State, in a case where one of the air carriers licences by it has started to operate a scheduled passenger air service on a new route to and from regional airports with aircraft of no more than 80 seats, may refuse a scheduled air service by another air carrier for a period of two years, unless it is operated with aircraft of no more than 80 seats, or it is operated in such a way that not more than 80 seats are available for sale between the two airports in question, on each flight.

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Amendment No 11

Article 4 (3)

3. Paragraphs 1 (c) and 2 shall not apply to routes when the capacity offered exceeds 30 000 seats per year.

Article 4 (3)

3. Paragraph 1 (c) shall not apply to routes when the capacity offered exceeds 30 000 seats per year. Paragraph 2 shall not apply to routes between regional airports when the capacity offered exceeds 30 000 seats per year, and shall not apply to routes between regional and Category 1 airports when the capacity offered exceeds 45 000 seats per year.

Amendment No 12

Article 5

In operating air services, a Community air carrier shall be permitted by the State(s) concerned to combine air services and use the same flight number.

Article 5

In operating air services, a Community air carrier shall be permitted by the State(s) concerned to combine air services and use the same flight number; such permission shall also be granted to third country air carriers on the basis of reciprocity.

Amendment No 13

Article 8 (1)

1. Capacity limitations shall not apply to air services covered by this Regulation except as set out in Articles 6 and 7 and in this Article.

Article 8 (1)

1. Capacity limitations shall not apply to air services covered by this Regulation except as set out in Articles 3, 6 and 7 and in this Article.

Amendment No 14

Article 11 (3a)

(new)

3a. At least once a year the Commission should consult with representatives of air transport user organizations including consumer organizations and report on the outcome of these consultations.

Amendment No 15

Article 12a

(new)

1. No later than 30 June 1992, the Commission shall submit to the Council proposals for:

- (a) harmonization of safety standards for aircraft cockpits and passenger cabins;
- (b) air safety controls, including notification of, and inquiries into, accidents, technical incidents and near misses;

COMMISSION TEXT

AMENDMENTS

- (c) the capacity and safety of the airways, with particular attention to improving air traffic control;
 - (d) common specifications for ATC equipment;
 - (e) the capacity and safety of airports, including improvements in runway capacity, harmonization of safety standards and procedures, the harmonization of noise and other environmental standards at airports;
 - (f) mutual recognition and/or harmonization of certificates of flight crew, cabin crew, air traffic controllers and maintenance mechanics;
 - (g) flight times, air traffic service hours and rest periods for flight crews and cabin crews; working hours of air traffic controllers;
 - (h) a code of conduct for travel agents;
 - (i) common rules for liability;
2. The Council shall take a decision on these proposals not later than 1 January 1993.

Amendment No 16

Article 12b

(new)

The Commission shall submit a document to the Council and Parliament with a minimum of delay, and no later than 1 July 1992, setting out a coherent approach to the substance of the external aviation policy to be pursued by the Commission. The European Parliament shall give its opinion on this document and the Council shall take a decision on it no later than 1 January 1993.

Amendment to the proposal for a Council Regulation on fares and rates for air services

(92/C 206/06)

COM(92) 274 final

*(Submitted by the Commission on 19 June 1992 pursuant to Article 149 (3) of the EEC Treaty)*COMMISSION TEXT ⁽¹⁾

AMENDMENTS

Amendment No 1

Fourth recital

Whereas in Council Regulation (EEC) No 2342/90 the Council decided to introduce a system of double disapproval for all air fares by 1 January 1993;

Fourth recital

Whereas in Regulation (EEC) No 2342/90 the Council stated that the introduction of a system of double disapproval of air fares remained an objective to be achieved by 1 January 1993;

Amendment No 2

Fifth recital

Whereas air fares normally should be determined freely by market forces where competition exists;

Fifth recital

Whereas air fares and rates normally should be determined freely by market forces where competition exists;

Amendment No 3

Ninth recital

Whereas in situations where competition is limited it is appropriate to provide for a transparent and objective procedure according to which Member States may ask the Commission to examine and decide on whether a proposed air fare conforms with the criteria laid down;

Ninth recital

Whereas it is appropriate to provide for a transparent and objective procedure according to which the Commission, on its own initiative or at the request of Member States, may examine and decide whether a proposed air fare conforms with the criteria laid down;

Amendment No 4

Twelfth recital

Whereas possibilities for third country air carriers to charge air fares on routes within the Community should be settled in an agreement between the Community and the third country concerned; whereas in order for third country air carriers to participate normally in the market they should be able to charge the normal economy fare or its equivalent;

Twelfth recital

Whereas in order for third country air carriers to participate normally in the market they should be able to charge the normal economy fare or its equivalent;

⁽¹⁾ For full text see COM(91) 275 final — OJ No C 258, 4. 10. 1991, p. 15.

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Amendment No 5

Article 2 (a)

- (a) *air fares* means the prices to be paid in Ecu for the carriage of passengers and baggage on air services and the conditions under which those prices apply, including remuneration and condition offered to agency and other auxiliary services;

Article 2 (a)

- (a) *air fares* means the prices to be expressed in ECU/applicable local currencies for the carriage of passengers and baggage on air services and the conditions under which those prices apply, including remuneration and condition offered to agency and other auxiliary services;

Amendment No 6

Article 2 (b)

- (b) *rates* means the prices to be paid in ecu for the carriage of air cargo and/or mail on air services and the conditions under which those prices apply, including remuneration and conditions offered to agency and other axiliary services;

Article 2 (b)

- (b) *rates* means the prices to be expressed in ecu/applicable local currencies for the carriage of air cargo on air services and the conditions under which those prices apply, including remuneration and conditions offered to agency and other auxiliary services;

Amendment No 7

Article 2 (d)

- (d) *seat-only sales* means the sale of seats, without any other service bundled such as accommodation, directly to the public by the air carrier or its authorised agent;

Article 2 (d)

- (d) *seat-only sales* means the sale of seats, without any other service bundled such as accommodation, directly to the public by the air carrier or its authorised agent or a tour operator;

Amendment No 8

Article 2 (e)

- (e) *air service* means a flight or a series of flights carrying passengers, cargo and/or mail for remuneration and/or hire;

Article 2 (e)

- (e) *air service* means a flight or a series of flights carrying passengers, and/or cargo and/or mail for remuneration and/or hire;

Amendment No 9

Article 2 (f) (i)

- (i) it is performed by aircraft for the transport of passengers, cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the carrier or from its authorised agents);

Article 2 (f) (i)

- (i) it is performed by aircraft for the transport of passengers, cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the carrier or from its authorised agents or from a tour operator);

COMMISSION TEXT

AMENDMENTS

Amendment No 10

Article 2 (k)

(k) *reference fare* means the lowest one way or return, as appropriate, fully flexible fare charged by a Community air carrier on the route in question; if more than one such fare exists, the arithmetic average of all such fares shall be taken, taking into account the number of seats offered at the fare by each Community air carrier on the route.

Deleted.

Amendment No 11

Article 3 (1) (ca)

(new)

(ca) An air fare disapproved by both Member States concerned shall be withdrawn with immediate effect.

Amendment No 12

Article 4a

(new)

1. Air passengers shall have the rights to purchase air tickets anywhere within the Community, whether or not via a travel agent, for flights within the Community.

2. Air passengers shall have the right to commence without any extra charge their flight with a ticket purchased within the Community at any airport within the Community which is specified on the ticket.

Amendment No 13

Article 6 (2)

1. Aeronautical authorities shall not require air carriers to submit air fares in respect of scheduled air services more than 45 days before they come into effect.

Article 6 (2)

2. Aeronautical authorities shall not require air carriers to submit air fares in respect of scheduled air services more than 10 days before they come into effect.

Amendment No 14

Article 6 (3)

3. An air fare for a scheduled air service shall be considered as approved unless, within 30 days of the day of submission, the Member State(s) concerned has (have) notified its (their) disapproval to the applicant air carrier and to any other Member State concerned, stating its (their) reasons or unless the procedure in Article 7 has been

Article 6 (3)

3. An air fare for a scheduled air service shall be considered as approved unless, within 10 days of the day of submission, it has been disapproved by both Member States concerned (for routes between Member States) or the Member State concerned (for routes within that State) stating their/its reasons, or unless the procedure in Article 7 has

COMMISSION TEXT

AMENDMENTS

initiated. At the request of either Member State, consultations shall take place between the States concerned within the 30-day period.

been initiated. At the request of either Member State, (in the case of routes between Member States), consultations shall take place between the States concerned within the 10-day period.

Amendment No 15

Article 6 (3a)

(new)

(3a) An air fare may be available for sale from the day of filing and for as long as it is not withdrawn in accordance with Article 3 or Article 7.

Amendment No 16

Article 6 (6)

6. A Member State shall permit a Community air carrier to match an air fare already approved for a scheduled air service between the same city-pair on the basis that this provision shall not apply to indirect air services which exceed the length of the shortest direct service, measured by the normal flight routing, by more than 40%. Member States may also permit a community air carrier operating a direct scheduled air service to match prices already accepted or published for a non-scheduled air service operated on the same route provided that both products are equivalent in terms of quality and conditions.

Article 6 (6)

6. A Member State shall permit a Community air carrier to match without delay an air fare for a scheduled air service already accepted or published according to paragraph (a) between the same city-pair on a direct or indirect basis. Member States may also permit a Community air carrier operating a direct scheduled air service to match prices already accepted or published for a non-scheduled air service operated on the same route provided that both products are equivalent in terms of quality and conditions.

Amendment No 17

Article 7 (1)

1. A Member State concerned may, for a scheduled air service on a route where competition is limited, request the Commission to examine whether an air fare, which is not covered by the Annex, complies with Article 3 (1). The Member State shall at the same time inform the other Member State(s) concerned and the air carrier concerned. The Commission shall forthwith publish in the *Official Journal of the European Communities* that the air fares have been submitted for examination.

Article 7 (1)

1. A Member State concerned may, for a scheduled air service on a route where competition is limited, request the Commission to examine whether an air fare, which is not covered by the Annex, complies with Article 3. The Member State shall at the same time inform the other Member State(s) concerned and the air carrier concerned. The Commission shall forthwith publish in the *Official Journal of the European Communities* that the air fares have been submitted for examination.

Amendment No 18

Article 9

Air carriers from third countries with traffic rights between community airports shall be able to match the normal economy air fare or its closest equivalent unless otherwise provided for in an agreement between the Community and a third country.

Article 9

Air carriers from third countries with traffic rights between community airports shall be able to match the normal economy air fare or its closest equivalent.

**Amendment to the proposal for a Council Regulation on common rules for the allocation of slots at
Community airports**

(92/C 206/07)

COM(92) 257 final

(Submitted by the Commission on 29 June 1992 pursuant to Article 149 (3) of the EEC Treaty)

COMMISSION TEXT ⁽¹⁾

AMENDMENTS

Amendment No 1

Title

**Proposal for a Council Regulation on common rules for the
allocation of slots at Community airports**

Title

**Proposal for a Council Regulation on common rules for the
allocation of slots at coordinated Community airports**

Amendment No 2

First recital

Whereas there is a growing imbalance between the expansion of the air transport system in Europe and the availability of adequate airport infrastructure to meet that demand; whereas there is, as a consequence, an increasing number of congested airports in the Community;

First recital

Whereas there is a growing imbalance between the expansion of the air transport system in Europe and the availability of adequate airport infrastructure to meet that demand; whereas there are indications that there will be, as a consequence, an increasing number of congested airports in the Community;

Amendment No 3

Third recital

Whereas the requirement of neutrality is best guaranteed when the decision to coordinate an airport is taken by the Member State responsible for that airport on the basis of objective criteria;

Third recital

Whereas the requirement of neutrality is best guaranteed when the decision to designate an airport as coordinated is taken by the Member State responsible for that airport on the basis of objective criteria;

Amendment No 4

New recital after third recital

Whereas this regulation applies only to airports falling within the specific definition of coordinated in Article 2;

Amendment No 5

Fourth recital a

(new)

Whereas the Commission should study the reasons for congestion at European airports with a view to finding ways and means to increase capacity;

⁽¹⁾ OJ No C 43, 19. 2. 1991, p. 3.

COMMISSION TEXT

AMENDMENTS

Amendment No 6

Fourth recital b

(new)

Whereas the Member State Governments and airport authorities should consider increasing their airport infrastructure expenditure so as to increase the capacity of European airports;

Amendment No 7

Ninth recital

Whereas it is Community policy to lower barriers to competition and to encourage entrance into the market, as provided for in Regulation (EEC) No 2343/90 and whereas these objectives require strong support for carriers who intend to start operations on intra-Community routes with limited competition;

Ninth recital

Whereas it is Community policy to lower barriers to competition and to encourage entrance into the market, as provided for in Regulation (EEC) No 2343/90 and whereas these objectives require strong support for carriers who intend to start operations on routes with limited competition;

Amendment No 8

Tenth recital

Whereas it is necessary to require Member States or their appointees to ensure that a minimum number of slots are available for operations on intra-Community routes even where an airport is held to be congested;

Tenth recital

Whereas it is necessary to require Member States or their appointees to ensure that a number of slots are also available, even where an airport is held to be congested, for the smaller carriers, business aviation and general aviation as well as for new entrants;

Amendment No 9

Eleventh recital

Whereas any withdrawal of grandfather rights should respect the principle of proportionality and should therefore be limited to the number of slots necessary to meet the needs of new entrants at the airport in question, while ensuring that all incumbent carriers at that airport are treated in a comparable manner, taking into account the number of slots used by each, and avoiding unnecessary disturbances of existing arrangements;

Eleventh recital

Whereas any withdrawal of grandfather rights is only acceptable in exceptional situations where no other solution can be found and should respect the principle of proportionality and should therefore be limited to the number of slots necessary to meet the needs of new entrants at the airport in question, while ensuring that all incumbent carriers at that airport are treated in a comparable manner, taking into account the number of slots used by each, and avoiding unnecessary disturbances of existing arrangements;

Amendment No 10

Fourteenth recital

Whereas it is appropriate for the Community to offer new entrant air carriers from third countries treatment comparable to that offered by those countries to Community air carriers;

Fourteenth recital

Whereas it is appropriate for the Community to offer air carriers from third countries treatment comparable to that offered to Community air carriers, provided that those countries offer Community carriers such treatment at their own airports;

COMMISSION TEXT

AMENDMENTS

Amendment No 11

Fifteenth recital

Whereas the adoption of a Regulation for the allocation of slots at Community airports should not have a negative effect on the operations of small air carriers,

Fifteenth recital

Whereas the adoption of a Regulation for the allocation of slots at Community airports should not have a negative effect on the operations of small air carriers or general aviation,

Amendment No 12

Article 1

This Regulation shall apply to the allocation of slots at Community airports.

Article 1

This Regulation shall apply to the allocation of slots at coordinated Community airports.

Amendment No 13

Article 2 (b)

(b) *new entrant* means an air carrier:

- (i) not holding more than three slots on any day at a coordinated airport and requesting further slots for services on that day; or
- (ii) not holding more than 30 % of slots held by all air carriers on a day at a coordinated airport or at another airport in the same airport system and requesting further slots at that airport during that day to commence services falling within the scope of Regulation (EEC) 2343/90 on a route on which at most two other air carriers are exercising third or fourth freedom traffic rights between the airports concerned during that day;

Article 2 (b)

(b) *new entrant* means an air carrier which:

- (i) does not hold more than four slots on any day at a coordinated airport and is requesting further slots for services on that day; or
- (ii) does not hold more than 30 % of all slots on a day at a coordinated airport or at another airport in the same airport system and is requesting further slots at that airport during that day to commence a service on a route on which at most two other air carriers exercise traffic rights between the airports concerned during that day;

Amendment No 14

Article 2 (c)

(c) 'congested airport' means an airport where the capacity for more than one hour on any day does not meet the demand or forecast demand;

Article 2 (c)

(c) 'congested airport' means an airport where:

- (i) there are delays of more than one hour to published operating schedules on more than 75 % of incoming and outgoing flights, for more than one hour of the day, on any day of the week, during at least 50 % of a scheduling period;
- or
- (ii) for more than one hour on any day the capacity in any of the following areas — ATC, runways, other ground facilities including access, environmental restrictions — does not meet the demand or forecast demand;

COMMISSION TEXT

AMENDMENTS

Amendment No 15

Article 2 (f)

- (f) 'coordinated airport' means an airport where, in order to land or take off, it is necessary for an air carrier to have a slot allocated by an airport coordinator;

Article 2 (f)

- (f) 'coordinated airport' means a congested airport designated as coordinated where, in order to land or take off, it is necessary for an air carrier to have a slot allocated by an airport coordinator;

Amendment No 16

Article 2 (h)

- (h) 'historical precedence' means a slot that has been operated by an air carrier as cleared by the coordinator and which entitles that airline to the same slot in the next equivalent season.

Article 2 (h)

- (h) 'historical precedence' means a slot that has been operated by an air carrier as cleared by the coordinator and which entitles that air carrier to the same slot in the next equivalent season.

Amendment No 17

Article 3 (1)

1. Member States shall permit air carriers with a valid route licence to freely schedule and operate their services to and from Community airports which are not coordinated in accordance with Article 4.

Article 3 (1)

1. Member States shall permit air carriers with a valid appropriate licence to freely schedule and operate their services to and from Community airports which are not coordinated in accordance with Article 4.

Amendment No 18

Article 5 (2)

2. The coordinator shall be responsible for the allocation of slots at the coordinated airport(s) and shall act in accordance with this Regulation in a neutral, nondiscriminatory and transparent way.

Article 6 (2) ⁽¹⁾

2. The coordinator shall be responsible for advising the scheduling committee(s) and for the allocation of slots, taking into account the general guidelines laid down by the scheduling committee, at the coordinated airport(s) and shall act in accordance with this Regulation in a neutral, nondiscriminatory and transparent way in accordance with the applicable rules of Community competition law.

Amendment No 19

Article 5 (5) (a)

5. The coordinator shall at any time make available for review to all interested parties the following information:

Article 5 (5) (a)

5. The coordinator shall at any time make available for review to all interested parties the following information:

⁽¹⁾ Article 5 of the Commission text becomes Article 6.

COMMISSION TEXT

AMENDMENTS

(a) historical slots by airline, chronologically, for all air carriers at the airport,

(a) historical slots by air carrier, chronologically, for all air carriers at the airport,

Amendment No 20

Article 6

When a Member State has decided to designate an airport as coordinated according to Article 4 (1) and (2), it may set up a scheduling committee that will assist, in a consultative capacity, the coordinator referred to in Article 5. Participation in this committee shall at least be open to the air carriers using the airport(s) repeatedly, the airport authorities concerned and representatives of the air traffic control.

Article 5⁽¹⁾

When a Member State has designated an airport as coordinated according to Article 4, it shall set up a scheduling committee in accordance with the applicable rules of Community competition law to lay down general guidelines for the allocation of slots in each scheduling period and to supervise the work of the coordinator. This committee shall meet at least twice a year. Participation in this Committee shall at least be open to the air carriers using the airport(s) repeatedly and the airport and air traffic control authorities concerned.

Amendment No 21

Article 7

At a coordinated airport the airport authority in cooperation with representatives of the air traffic control, and, where applicable, subject to the approval of the Member State, shall determine the Airport capacity twice yearly after consultation with customs and immigration authorities and the airlines using the airport and/or their representative association following internationally established methods. The possibilities of accommodating the different types of aviation shall be examined individually.

Article 7

At a coordinated airport the airport authority in cooperation with the air traffic control, and where applicable, subject to the approval of the Member State, shall determine the airport capacity twice yearly after consultation with customs and immigration authorities and the air carriers using the airport and/or their representative association following internationally established methods. The possibilities of accommodating the different types of aviation shall be examined individually.

This information shall be provided to the airport coordinator in good time before coordination takes place.

This information shall be provided to the airport coordinator in good time before coordination takes place.

Amendment No 22

Article 8

1. Air carriers requesting slots at a coordinated airport shall submit to the airport coordinator all information requested by the airport coordinator.
2. (a) Without prejudice to the application of Articles 85 and 86 of the Treaty and of Article 9 of this Regulation, a slot that has been operated by an air carrier as cleared by the coordinator shall entitle that air carrier to the same slot in the equivalent period and days of operation of the next equivalent season. This historical precedence shall apply only to scheduled services and programmed non-scheduled services.

Article 8

1. Air carriers requesting slots at a coordinated airport shall submit to the airport coordinator all information requested by the airport coordinator.
2. (a) Without prejudice to the application of Articles 85 and 86 of the Treaty and of Article 9 of this Regulation, a slot that has been operated by an air carrier as cleared by the coordinator shall entitle that air carrier to claim and be allocated the same slot in the equivalent period and days of operation of the next equivalent season. This historical precedence shall apply only to scheduled services and programmed nonscheduled services.

⁽¹⁾ Article 6 of the Commission text becomes Article 5.

COMMISSION TEXT

- (b) In a situation where all slot requests cannot be accommodated to the satisfaction of the air carriers concerned, the airport coordinator shall give preference to commercial air services and in particular scheduled services and programmed non-scheduled services.
- (c) The airport coordinator shall also take into account the additional priority rules set out in the Annex to this Regulation.
3. If a requested slot cannot be accommodated the airport coordinator shall inform the requesting airline of the reasons therefor and shall indicate the nearest alternative slot.
4. The airport coordinator shall, at all times, endeavour to accommodate *ad hoc* slot requests for any type of aviation including general aviation. To this end the slots available in the pool referred to in Article 9 of this Regulation but not yet allocated can be used as well as slots liberated at short notice.
5. The Commission shall establish, after consultations with air carriers, airport coordinators, and airport authorities, minimum requirements for the automated system to be used by the airport coordinators in order to ensure the proper implementation of Article 5 and 8.

AMENDMENTS

- (b) In a situation where all slot requests cannot be accommodated to the satisfaction of the air carriers concerned, preference shall be given to commercial air services and in particular scheduled services and programmed nonscheduled services.
- (c) The airport coordinator shall also take into account the additional priority rules set out in the Annex to this Regulation.
3. If a requested slot cannot be accommodated the airport coordinator shall inform the requesting air carrier of the reasons therefor and shall indicate the nearest alternative slots.
4. The airport coordinator shall, at all times, endeavour to accommodate *ad hoc* slot requests for any type of aviation including general aviation. To this end the slots available in the pool referred to in Article 9 of this Regulation but not yet allocated can be used as well as slots liberated at short notice (casual slots).
5. The Commission shall establish, after consultations with airport coordinators and scheduling committees, minimum requirements for the automated systems to be used by the airport coordinators in order to ensure the proper implementation of Articles 5, 6 and 8.

Amendment No 23

Article 9 (1)

1. At a coordinated airport a pool should be set up containing newly created slots, unused slots and slots which have been given up by a carrier during or by the end of the season.

Article 9 (1)

1. At a coordinated airport a pool should be set up for each time period coordinated containing newly created slots, unused slots and slots which have been given up by a carrier during or by the end of the season.

Amendment No 24

Article 9 (2)

2. Any slot not utilized more than 65 % of the allocated period can be withdrawn and placed in the slot pool referred to in paragraph 1 for reallocation, unless the non-utilization can be justified *inter alia* on the grounds of the grounding of an aircraft type, or the closure of an airport or airspace.

Article 9 (2)

2. Any slot not utilized more than 75 % of the allocated period can be withdrawn and placed in the slot pools referred to in paragraph 1 for reallocation, unless the non-utilization can be justified *inter alia* on the grounds of the grounding of an aircraft type, or the closure of an airport or airspace.

COMMISSION TEXT

AMENDMENTS

Amendment No 25

Article 9 (3)

3. Slots placed in the pool shall be distributed among applicant carriers. At least 50% of these slots shall be allocated to new entrants with priority in the order set out in the Annex.

Article 9 (3)

3. Slots placed in the pools shall be distributed among applicant carriers. At least 50% of these slots shall be allocated to new entrants with priority in the order set out in the Annex.

Amendment No 26

Article 9 (5)

5. The new entrants referred to in paragraph 4 are entitled to as many slots as are needed to meet the existing services of the other air carrier(s) operating on that route to a maximum of six slots on any given day.

Article 9 (5)

5. The new entrants referred to in paragraph 4 are entitled to as many slots as are needed to meet the existing services of the other air carrier(s) operating on that route to a maximum of four slots on any given day.

Amendment No 27

Article 9 (8)

8. When the slots made available in accordance with paragraphs 2 and 4, are not used or are given up within a period of two years, they shall be returned to their original holder. Where this rule cannot be applied or where the original holder does not wish to use the slot, it shall be placed in the slot pool.

Article 9 (8)

8. When the slots made available in accordance with paragraphs 2 and 4, are not used or are withdrawn under paragraph 2 or are given up within a period of two years, they shall be returned to their original holder. Where this rule cannot be applied or where the original holder does not wish to use the slot, it shall be placed in the slot pool.

Amendment No 28

Article 9 (9)

9. At the request of any Member State or on its own initiative, the Commission shall examine the application of this Article in any particular case and within two months decide whether it is correctly applied. The Commission shall communicate its decision to the Council and to the Member States.

Article 9 (9)

9. At the request of any Member State or the third country concerned or on its own initiative, the Commission shall examine the application of this Article in any particular case and within two months decide whether it is correctly applied. The Commission shall communicate its decision to the Council and to the Member States.

Amendment No 29

Article 10 (6)

6. At the request of any Member State or on its own initiative, the Commission shall examine the application of paragraphs 2 and 4 in any particular case and within two months decide whether these paragraphs are correctly applied. The Commission shall communicate its decision to the Council and to the Member States.

Article 10 (6)

6. At the request of any Member State or the third country concerned or on its own initiative, the Commission shall examine the application of paragraphs 2 and 4 in any particular case and within two months decide whether these paragraphs are correctly applied. The Commission shall communicate its decision to the Council and to the Member States.

COMMISSION TEXT

AMENDMENTS

Amendment No 30

Article 10 (7)

7. Any Member State may refer the Commission's decision to the Council within a time limit of one month. The Council, acting by a qualified majority, may take a different decision within a period of one month.

Article 10 (7)

7. Any Member State may refer the Commission's decision to the Council within a time limit of one month. The Council, acting by a qualified majority, may take a different decision within a period of one month. The Member State responsible for the congested airport concerned shall ensure prompt application of the decision.

Amendment No 31

Article 11 (1)

(new)

1. The Member States and the Commission shall ensure that this Regulation is applied without discrimination against air carriers from third countries.

Amendment No 32

Article 11 (2)

2. Whenever it appears to the Commission, either on the basis of information received in accordance with paragraph 1 or on the basis of other information, that a third country, with respect to the allocation of slots at congested airports:

- (a) does not grant Community air carriers treatment comparable to that granted by Member States to air carriers from that country; or
- (b) does not grant Community air carriers *de facto* national treatment; or
- (c) grants air carriers from other third countries more favourable treatment than Community air carriers,

the Commission may initiate negotiations in order to remedy the situation.

Article 11 (2)

2. If a third country, with respect to the allocation of slots at congested airports:

- (a) does not grant Community air carriers treatment comparable to that granted by Member States to air carriers from that country; or
- (b) does not grant Community air carriers *de facto* national treatment;
- (c) grants air carriers from other third countries more favourable treatment than Community air carriers,

the Commission may, subject to a prior decision of the Council, initiate negotiations in order to remedy the situation.

Amendment No 33

Article 12 (1)

1. The Commission shall submit a report to the Council on the operation of this Regulation within two years after its entry into force.

Article 12 (1)

1. The Commission shall submit a report to the Council and to the European Parliament and Economic and Social Committee on the operation of this Regulation within two years after its entry into force.

COMMISSION TEXT

AMENDMENTS

Amendment No 34

ANNEX

Paragraph 5, second subparagraph

(new)

In the event of a curfew at one airport creating a slot problem elsewhere, priority should be given to the airline whose schedule is constrained by the curfew.

Amendment No 35

ANNEX

Paragraph 6 (c)

- (c) curfews — in the event of a curfew at one airport creating a slot problem elsewhere, priority should be given to the airline whose schedule is constrained by the curfew. Deleted.

Amendment No 36

ANNEX

Paragraph 6 (f)

(f) flexibility — to achieve optimum utilization of the available capacity. Coordinators should apply a certain degree of flexibility when allocating slots. Airlines do not always operate exactly to the timing published in schedules. Weather, winds, variations in flight times, ATC or technical problems are some of the reasons for such deviations. Coordinators should take account of this by:

- (i) applying runway restrictions in time intervals of at least 10 minutes;
- (ii) measuring hourly movement rates at not less than 30 minutes intervals (e.g. 1200-1259 + 1230-1329);
- (iii) using overbooking profiles based on past experience.

ANNEX

Paragraph 6 (f)

(f) flexibility — to achieve optimum utilization of the available capacity. Coordinators should apply a certain degree of flexibility when allocating slots. Airlines do not always operate exactly to the timings published in schedules. Weather, winds, variations in flight times, ATC or technical problems are some of the reasons for such deviations. Coordinators should take account of this by:

- (i) applying runway restrictions in time intervals of at least 10 minutes;
- (ii) measuring hourly movement rates at not less than 30 minutes intervals (e.g. 1200-1259 + 1230-1329);
- (iii) using overbooking profiles based on past experience;
- (iv) creating maximum potential for using casual slots for short-notice business flights if such flights are ready to depart but they have been allocated a later specific slot.

COMMISSION TEXT

AMENDMENTS

Amendment No 37

ANNEX

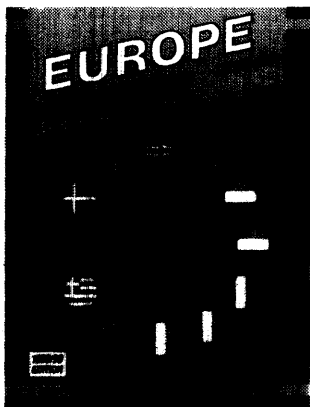
Paragraph 6 (g)

(new)

- (g) Noise emissions — quieter aircraft are to be preferred to noisier aircraft, e.g. Chapter 3 over Chapter 2.
-



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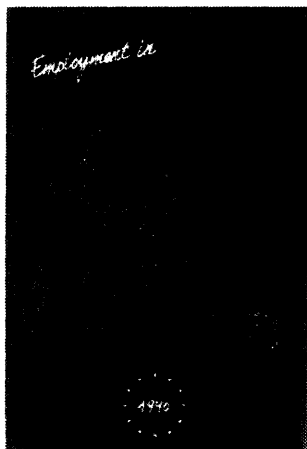
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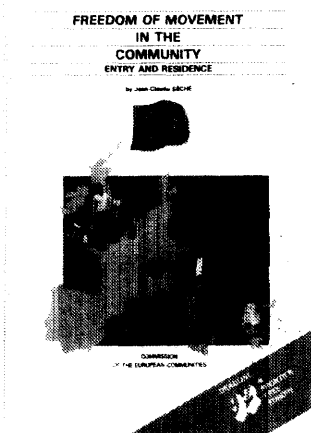
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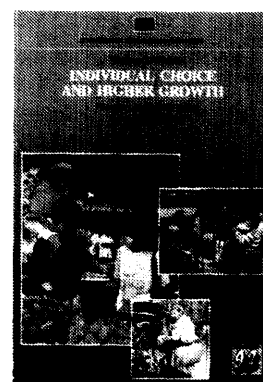
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