

Amended proposal for a directive of the European Parliament and of the Council amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾

(2000/C 177 E/02)

(Text with EEA relevance)

COM(1999) 339 *final* — 97/0027(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 1 July 1999)

⁽¹⁾ OJ C 106, 4.4.1997, p. 5.

INITIAL PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

(1) Whereas Article 6(3) of Directive 79/112/EEC lays down that 'in the case of beverages containing more than 1,2 % by volume of alcohol, the Council, acting on a proposal from the Commission, shall, before the expiry of a period of four years following notification of this Directive, determine the rules for labelling ingredients';

(3) Whereas the Commission's earlier proposals in response to this mandate ⁽¹⁾ failed to win the agreement of the Member States;

(4) Whereas account should be taken of the case-law of the Court of Justice of the European Communities concerning the labelling of alcoholic beverages ⁽²⁾;

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Unchanged

(2) Whereas, in order to contribute to the achievement of a high level of health and to the protection of the health of consumers, it must be ensured that consumers are appropriately informed about foodstuffs, and especially alcoholic beverages, inter alia through the listing of the ingredients on labels; whereas the need for this is all the more urgent since more and more alcoholic beverages whose composition and presentation are obviously geared to sales to young people have come onto the market in recent years; whereas common legislation on the labelling of alcoholic beverages is essential for the expansion and preservation of the internal market in these products;

Unchanged

⁽¹⁾ OJ C 281, 26.10.1982, p. 3 (OJ C 122, 14.5.1992, p. 12).

⁽²⁾ Judgment of 12.3.1987 in Case 178/84 (Beer Purity Law), and in particular grounds 35 and 36.

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- (5) Whereas it is for the Community legislator to adopt the measures deriving from that case-law;

HAVE ADOPTED THIS DIRECTIVE:

Article 1

- 1) Article 6(3) of Directive 79/112/EEC is hereby replaced by the following:

‘3. The rules for labelling the ingredients of beverages containing more than 1,2 % alcohol by volume shall be adopted within a period of

(a) in the case of:

- wines ⁽¹⁾, including sparkling wines ⁽²⁾, liqueur wines and semi-sparkling wines ⁽³⁾ offered for sale to the consumer;
- partially fermented grape must ⁽²⁾
- spirituous beverages ⁽⁴⁾,
- aromatised wines ⁽⁵⁾,

within the framework of the specific Community provisions applicable to them;

(b) in the case of, in accordance with the procedure laid down in Article 17.

The rules adopted in accordance with these procedures shall enter into force simultaneously for the beverages covered by points (a) and (b) of this paragraph.

For all these products the list of ingredients shall be preceded by the words “prepared with”.

⁽¹⁾ Council Regulation (EEC) No 2392/89 (OJ L 232, 9.8.1989, p. 13).

⁽²⁾ Council Regulation (EEC) No 2333/92 (OJ L 231, 13.8.1992, p. 9).

⁽³⁾ Council Regulation (EEC) No 3895/91 (OJ L 368, 31.12.1991, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

⁽⁵⁾ Council Regulation (EEC) No 1601/91 (OJ L 149, 14.6.1991, p. 1).’

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- (6) Whereas, furthermore, the Scientific Committee for Food set up by Commission Decision 97/579/EC ⁽¹⁾ should be consulted on any issue relating to Directive 79/112/EEC likely to have an effect on public health,

Unchanged

- 1) Article 6(3) of Directive 79/112/EEC is hereby replaced by the following:

‘3. The rules for labelling the ingredients of beverages containing more than 1,2 % alcohol by volume shall be adopted within a period of five years starting on 1 July 2000

(a) in the case of:

- wines ⁽¹⁾, including sparkling wines ⁽²⁾, liqueur wines and semi-sparkling wines ⁽³⁾ offered for sale to the consumer;
- partially fermented grape must ⁽²⁾
- spirituous beverages ⁽⁴⁾,
- aromatised wines, aromatised wine-based beverages and aromatised wine-product cocktails ⁽⁵⁾,

within the framework of the specific Community provisions applicable to them;

(b) in the case of each category of other products, in accordance with the procedure laid down in Article 17.

The rules adopted in accordance with these procedures shall enter into force simultaneously for the beverages covered by points (a) and (b) of this paragraph.

For all these products the list of ingredients shall be preceded by the words “prepared with”.

⁽¹⁾ Council Regulation (EEC) No 2392/89 (OJ L 232, 9.8.1989, p. 13).

⁽²⁾ Council Regulation (EEC) No 2333/92 (OJ L 231, 13.8.1992, p. 9).

⁽³⁾ Council Regulation (EEC) No 3895/91 (OJ L 368, 31.12.1991, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

⁽⁵⁾ Council Regulation (EEC) No 1601/91 (OJ L 149, 14.6.1991, p. 1).’

⁽¹⁾ OJ L 237, 28.8.1997, p. 18.

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AMENDED PROPOSAL

Article 2

This Directive is addressed to the Member States.

2) The following article is inserted:

'Article 14a

The Scientific Committee for Food shall be consulted on all issues relating to this Directive which may have an effect upon public health.'

Unchanged