
(2001/C 332 E/09)

(Text with EEA relevance)

COM(2001) 433 final — 2001/0199(COD)

(Submitted by the Commission on 6 September 2001)

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 laid down in Article 251 of the Treaty,

Whereas:

(1) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it must be ensured that consumers are appropriately informed about foodstuffs, \textit{inter alia} through the listing of all ingredients on labels.


(3) Certain ingredients contained in foodstuffs are the cause of allergies or intolerances in consumers in the Community, and some of those allergies or intolerances constitute a danger to the health of those concerned.

(4) The Scientific Committee for Food (SCF) has stated that the incidence of food allergies is such as to affect the lives of many people, causing conditions ranging from very mild to potentially fatal.

(5) The SCF has acknowledged that common food allergens include cow's milk, fruits, legumes (especially peanuts and soybeans), eggs, crustaceans, tree nuts, fish, vegetables (celery and other foods of the Umbelliferae family), wheat and other cereals; it has also noted that adverse reactions to food additives may occur and that the avoidance of food additives is often difficult since not all of them are invariably included on the labelling.

(6) The most common food allergens are found in a wide variety of processed foods.

(7) Even if labelling, which is intended for consumers in general, is not to be regarded as the only medium of information acting as substitute for the medical establishment, it is nevertheless advisable to assist consumers who have allergies or intolerances as much as possible by providing them with more comprehensive information about the composition of foodstuffs.

(8) The list of allergenic substances includes those foodstuffs and ingredients recognised as causing hypersensitivity and likely to benefit from an exemption under Directive 2000/13/EC. In order to keep up with the development of scientific knowledge, it is important to be able to revise this list rapidly, when necessary. Such revisions should take the form of implementing measures of a technical nature, the adoption of which should be entrusted to the Commission in the interest of simplifying and accelerating the procedure.

(9) In order to provide all consumers with better information and to protect the health of certain consumers, it should be made obligatory to include in the list of ingredients all ingredients present in the foodstuff and, in the case of ingredients known to be allergenic, to declare them by their specific name in all cases, including in alcoholic drinks, allowing no possibility of using the name of the category to which they belong, nor, in the case of additives, any exemption from inclusion in the list of ingredients.

(10) In order to avoid the risk that labelling may become too complex and difficult to read, procedures are needed which make it possible to avoid excessively long lists of ingredients, but without impairing the attainment of the abovementioned objectives. In order to take account of the technical constraints involved in the manufacture of foodstuffs, it is also necessary to authorise greater flexibility with regard to the listing of ingredients used in very small quantities.


\(^{(1)}\) OJ L 109, 6.5.2000, p. 29.
HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2000/13/EC is amended as follows:

1. Article 6 is amended as follows:

(a) The following paragraph 3a is inserted:

'(3a) Without prejudice to the rules to be established pursuant to paragraph 3, the presence of one or more of the ingredients listed in Annex IIIa in a drink referred to in paragraph 3 shall be mentioned, unless the ingredient(s) concerned is/are included under its/their specific name(s) in the name under which the drink is sold. This indication shall comprise the term “contains”, followed by the name of the ingredient(s) concerned.

Where necessary, detailed rules for applying the first subparagraph may be adopted, in accordance with the following procedures:

(a) as regards the products referred to in Article 1(2), of Council Regulation (EC) No 1493/99 (*) under the procedure laid down in Article 75 of that Regulation;

(b) as regards the products referred to in Article 2(1), of Council Regulation (EEC) No 1601/91 (**) under the procedure laid down in Article 13 of that Regulation;

(c) as regards the products referred to in Article 1(2), of Council Regulation (EEC) No 1576/89 (***) under the procedure laid down in Article 14 of that Regulation;

(d) as regards other products, under the procedure laid down in Article 20(2) of this Directive.


(b) The second subparagraph of paragraph 5 is amended as follows:

(i) The fourth indent is replaced by the following text:

‘— where fruit or vegetables, none of which significantly predominates in terms of weight, are used in a mixture as ingredients of a foodstuff, they may be grouped together in the list of ingredients under the designation “fruit” or “vegetables”, immediately followed by a list of the fruit or vegetables present and a phrase such as “in varying proportions”; in such cases, the mixture shall be included in the list of ingredients in accordance with the first subparagraph, on the basis of the total weight of the fruit or vegetables present.’

(ii) The following sixth and seventh indents are added:

‘— ingredients constituting less than 5 % of the finished product may be listed in a different order after the other ingredients,

(c) Paragraph 8 is amended as follows:

(i) The following sentence is added to the first subparagraph:

‘However, where the ingredients of the compound ingredient are already listed as single ingredients in the list of ingredients, repetition is not compulsory, as long as an explanatory note, placed near the list of ingredients, clearly informs the purchaser that they are present in the foodstuff as single ingredients and as ingredients of the compound ingredient.’

(ii) The second subparagraph is replaced by the following text:

‘The list referred to under the first subparagraph shall not be compulsory:

(a) where the composition of the compound ingredient is defined in current Community legislation, and in so far as the compound ingredient constitutes less than 5 % of the finished product; however, this provision shall not apply to additives, subject to paragraph 4(c);

(b) for the compound ingredients listed below, with the exception of additives, subject to paragraph 4(c):

(i) preparations of sauces or mustards constituting less than 5 % of the finished product,

(ii) mixtures of spices or herbs constituting less than 2 % of the finished product;

(c) where the compound ingredient is a foodstuff for which a list of ingredients is not required under Community legislation.’

(d) The following paragraph 10 is added:

‘10. Paragraph 4(c)(ii) and (iii), the first indent of the second subparagraph of paragraph 6, and the second subparagraph of paragraph 8 shall not apply to the ingredients listed in Annex IIIa.

Annex IIIa may be amended in accordance with the procedure referred to in Article 20(2).’

2. In Annex I, the designations ‘crystallised fruit’ and ‘vegetables’, and the corresponding definitions, are deleted.

3. Annex IIIa, the text of which is set out in the Annex to this Directive, is inserted.
Article 2

Member States shall bring into force, by 31 December 2003 at the latest, the laws, regulations and administrative provisions necessary to:

— permit, as from 1 January 2004, the sale of products that comply with this Directive;

— prohibit, as from 1 January 2005, products that do not comply with this Directive; any products which do not comply with this Directive but which have been placed on the market or labelled prior to this date may, however, be sold while stocks last.

They shall forthwith inform the Commission thereof.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

ANNEX

ANNEX IIIa

INGREDIENTS REFERRED TO IN ARTICLE 6(3a) AND (10)

Cereals containing gluten and products thereof
Crustaceans and products thereof
Eggs and products thereof
Fish and products thereof
Peanuts and products thereof
Soybeans and products thereof
Milk and dairy products (including lactose)
Nuts and nut products
Sesame seeds and products thereof
Sulphite at concentrations of at least 10 mg/kg