

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer

*COM(86) 89 final**(Submitted by the Commission to the Council on 17 April 1986)**(86/C 124/05)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas Council Directive 79/112/EEC⁽¹⁾ makes provision for national derogations in a number of cases;

Whereas, with the dual aim of completing the international market and providing improved information for all consumers in the Community, these derogations should be eliminated;

Whereas, in particular, experience acquired since the adoption of Directive 79/112/EEC enables it to be made applicable to restaurants, hospitals, canteens and other similar mass caterers throughout the Community;

Whereas the principles of the date of minimum durability should be generalized, and the manner of its indication standardized, with a view to avoiding errors on the part of consumers; whereas certain derogations from this rule may nevertheless be granted in a small number of cases in which a date is not an essential item of information;

Whereas mention, in the list of ingredients, of the specific name or official number of any additives used should be generalized in order to enable consumers to ascertain the exact composition of foodstuffs containing such additives;

Whereas in the case of flavouring matters, however, the mandatory use of a generic name constitutes adequate information, and it will be for the labeller, where applicable, to supplement such information by more specific particulars, should he so wish;

Whereas if a foodstuff has been treated with ionizing radiation, consumers should be so informed, but whereas practical difficulties, in particular of an analytical nature, prevent the extension of such an obligation to compound foodstuffs containing an ingredient that has previously been treated;

Whereas, with a view to facilitating trade between Member States that have different official languages, it may be provided that, at stages prior to sale to the ultimate consumer, the mandatory particulars that must appear on a prepackaged foodstuff need appear only on the accompanying documents;

Whereas Directive 79/112/EEC was designed as a piece of horizontal legislation and therefore provides only for those particulars which, in principle, should appear on the labels of all foodstuffs;

Whereas, in addition to general provisions, it may be necessary to lay down specific provisions concerning certain foodstuffs only;

Whereas, in the absence of Community provisions governing each of those foodstuffs, the specific provisions relating thereto should be adopted in the form of additions to Directive 79/12/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/112/EEC is hereby amended as follows:

1. Article 1 (2) is replaced by the following:

‘2. This Directive shall apply also to foodstuffs intended for supply to restaurants, hospitals, canteens and similar mass caterers.’

⁽¹⁾ OJ No L 33, 8. 2. 1979.

2. Article 2 (1) (b) is replaced by the following:

'(b) subject to Community provisions applicable to natural mineral waters and foodstuffs for particular nutritional uses, attribute to any foodstuff the property of preventing, treating or curing a human disease, or refer to such properties.'
3. The following paragraph 3 is added to Article 4:

'3. The Community provisions referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure laid down in Article 17.'
4. The following subparagraph is added to Article 5 (3):

'A foodstuff that has been exposed to ionizing radiation shall in all cases bear a reference to such treatment.'
5. The first sentence of Article 6 (5) (b) is replaced by the following:

'(b) ingredients shall be designated by their specific name, where applicable, in accordance with the rules laid down in Article 5, to the exclusion of that provided for in the second subparagraph of paragraph 3 of that Article.'
6. The first indent of Article 6 (5) (b) is replaced by the following:

'— ingredients which belong to one of the categories listed in Annex I and are constituents of another foodstuff need be designated only by the name of that category; additional categories may be added to Annex I in accordance with the procedure laid down in Article 17;'
7. The third and fourth indents of Article 6 (5) (b) are deleted.
8. The following subparagraph is added to Article 6 (6):

'The Community provisions referred to in this paragraph shall be adopted in accordance with the procedure laid down in Article 17.'
9. The following subparagraph is added to Article 7 (3):

'The Community provisions referred to in this paragraph shall be adopted in accordance with the procedure laid down in Article 17.'
10. In Article 8 (5) (b), the phrase 'however, this provision shall not apply to spices and herbs' is deleted.
11. The following paragraph 7 is added to Article 8:

'7. The Community provisions referred to in paragraphs 1, 2 (b) and (d), and 5 shall be adopted in accordance with the procedure laid down in Article 17.'
12. The second and third subparagraphs of Article 9 (2) are deleted.
13. Article 9 (5) is deleted.
14. Article 9 (6) is replaced by the following:

'6. Subject to Community provisions governing other types of date indication, an indication of the minimum durability date shall not be required for:

 - fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated,
 - wines, liqueur wines, sparkling wines, aromatized wines and similar products obtained from fruits other than grapes,
 - beverages containing 10 % or more by volume of alcohol,
 - bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture,
 - vinegar,
 - cooking salt,
 - solid sugar,
 - confectionery products consisting of flavoured and/or coloured sugars,
 - chewing gums and similar chewing products,
 - edible ices put up in individual portions for consumption at one time,
 - fermented cheeses intended to mature fully or partially in their prepackaging.'
15. The following subparagraph is added to Article 10 (2):

'The Community provisions referred to in this paragraph shall be adopted in accordance with the procedure laid down in Article 17.'
16. Article 11 (1) (b) is replaced by the following:

'(b) Notwithstanding point (a) and without prejudice to Community provisions on nominal quantities, the particulars required under Articles 3 and 4 (2) need appear only on the

commercial documents referring to the foodstuffs where the latter are prepackaged and marketed at a stage prior to their sale to the ultimate consumer.'

17. The following subparagraph is added to Article 11 (3) (a):

'It shall not apply to milk or milk products in bottles intended for re-use. Other derogations may be allowed in accordance with the procedure laid down in Article 17.'

18. Article 11 (4) is replaced by the following:

'4. In the case of the bottles referred to in the third subparagraph of paragraph 3 (a) and of packaging or containers whose largest face has an area of less than 10 square centimetres, only the particulars listed in points (1), (3) and (4) of Article 3 (1) need be given.'

19. Article 16, second paragraph, third indent, is replaced by the following:

'In the latter event, and before the expiry of the abovementioned period, the Commission shall initiate the procedure provided for in Article 17 in order to determine whether the envisaged measures may be implemented subject, if necessary, to the appropriate modifications.'

20. Article 17 is replaced by the following text:

Article 17

Where the procedure laid down in this Article is invoked, the Commission shall decide after consulting the Standing Committee on Foodstuffs set up under Decision 69/414/EEC, hereinafter referred to as "the Committee". The Committee shall discuss matters on which the Commission has requested an

opinion. When seeking the opinion of the Committee, the Commission may set a time limit within which such opinion shall be given. No vote shall be taken. However, any member of the Committee may demand that his views be set down in the minutes.'

21. Article 18 is deleted.

22. Article 23 is deleted.

23. The following is added to Annex I:

<i>'Definition</i>	<i>Designation</i>
All aromatizers.	Flavouring(s). This indication may be supplemented, if necessary, by stating whether the aromatizers used are of vegetable or animal origin.'

Article 2

Member States shall amend their laws, regulations and administrative provisions, where necessary, in such a way as to:

- permit trade in products complying with this Directive by ... at the latest (18 months after notification),
- prohibit trade in products not complying with this Directive with effect from ... (three years after notification).

They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Proposal for a Council Directive on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses

COM(86) 91 final

(Submitted by the Commission to the Council on 17 April 1986)

(86/C 124/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas on 21 December 1976 the Council adopted Directive 77/94/EEC on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses (1);

(1) OJ No L 26, 31. 1. 1977, p. 55.