

Amended proposal for a Council Directive on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾

COM(87) 241 final

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 1 June 1987)

(87/C 161/06)

In response to the opinion delivered by the European Parliament on the proposal for a directive submitted by the Commission to the Council on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses and in accordance with the second paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend the aforementioned proposal as follows:

1. The fifth recital is replaced by the following:

'Whereas the basic principles of legislation and the list of groups of foodstuffs for particular nutritional uses to be dealt with by means of specific directives are matters to be decided by the Council;' (delete last 13 words).

2. Article 4 (2) (h) is deleted.

3. Insert the following Article 4a (new):

Article 4a

The conditions under which any reference may be made in labelling, presentation and advertising to a diet or to a category of persons for which a product referred to in Article 1 is intended may be adopted in accordance with the procedure laid down in Article 9.'

4. Insert the following Article 8a (new):

Article 8a

1. Where a Member State, as a result of new information or of a reassessment of existing information made since one of the specific directives was adopted, has detailed grounds for establishing that a foodstuff intended for particular nutritional uses endangers human health although it complies with the relevant specific directive, that Member State may temporarily suspend or restrict application of the provisions in question within its territory. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the grounds given by the Member State concerned and consult the Member States within the Standing Committee for Foodstuffs, and shall then deliver its opinion forthwith and take the appropriate measures.

3. If the Commission considers that amendments to the specific directive are necessary in order to resolve the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure laid down in Article 9, with a view to adopting these amendments; the Member State which has adopted safeguard measures may in that event retain them until the amendments enter into force.'

⁽¹⁾ COM(86) 91 final.
OJ No C 124, 23. 5. 1986, p. 7.