

**Conclusion**

The Commission's aims and intentions can only be vigorously endorsed, but it would certainly be difficult to include in one directive all the highly complex provisions needed to stamp out money laundering effectively.

But the choice of a brief document including only essential provisions and, among other things, not dwelling on procedures for putting principles into practice involves inconveniences which the Committee must condemn.

As the majority of Member States have endorsed binding rules, such as those of the Vienna Convention, one

might hope that unanimous agreement can be reached on setting up a technically effective process for stamping out money laundering.

The above assessment of the proposal's articles has certainly led to some additional technical proposals being put forward, but it cannot claim to have filled in the gaps in an obviously incomplete blueprint. As the Committee cannot tackle the whole issue with a new text, it feels that the proposal must be given a clearer and more specific aim, by taking the task force's Recommendations and making them binding, in line with the decision of the Houston Summit of July 1990.

Done at Brussels, 19 September 1990.

*The Chairman  
of the Economic and Social Committee*

Alberto MASPRONE

---

**Opinion on the proposal for a Council Regulation laying down the health rules for the production and placing on the market of raw milk, of milk for the manufacture of milk-based products and of milk-based products<sup>(1)</sup>**

(90/C 332/27)

On 23 February 1990 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 12 July 1990. The Rapporteur was Mr Gardner.

At its 279th plenary session (meeting of 19 September 1990), the Economic and Social Committee adopted the following Opinion with no votes against and two abstentions.

**1. Introduction**

1.1. This proposal is necessary to protect the consumer in the market without frontiers and the Committee accepts it subject to the reservations below.

**2. General comments**

2.1. The Committee sees three overall problems with this proposal:

2.1.1. Public health is not divisible and smaller establishments merely endanger fewer people. All establishments must therefore be covered by proper health rules,

---

<sup>(1)</sup> OJ No C 84, 2. 4. 1990, p. 112.

the details of which should be adapted to the type and size of the establishment.

2.1.1.1. This is another proposal which does not include in the 'whereas' or in the text, appropriate reference to the general hygiene Directive being worked out by another part of the Commission, though Article 1.2 of COM(89) 492 final (proposal for general health rules for certain products of animal origin), clearly states that 'the present regulations shall apply without prejudice to future horizontal hygiene legislation on foodstuffs'.

It is essential that this proposal should provide for compliance with that Directive where necessary. That is particularly important for the establishments which may be exempted from these rules. While exemption from some of the detailed rules is reasonable, this would leave the establishments concerned without any alternative Community rules and could thus present a danger to the public.

2.1.2. Milk health rules are divided into two separate proposals, this one and that on heat treated drinking milk. There are numerous cross references between the two and their interplay is extremely confusing. The Commission would be better advised to re-write them as one document after having taken the Committee's comments into account.

2.1.3. Quality rules are very important. However, their presence in a health rule proposal weakens the focus on health. Quality rules should therefore be part of separate quality proposals.

2.2. The Commission proposal, particularly the German text, unfortunately contains a number of errors in the translation of specific technical terms. The importance of the hygiene rules makes it particularly important that their wording be as free as possible of interpretation and the translation carried out with care.

### 3. Detailed comments

#### 3.1. Preamble

3.1.1. Given our general comments, there should be a further 'whereas':

'Whereas the granting of the derogations from specific Community health rules to certain establishments does not affect compliance with the requirements of Directive No .../... of ..... on the protection of human health by monitoring the wholesomeness of food and observing basic principles of hygiene during the production, handling and sale.'

#### 3.2. Article 1.1

3.2.1. The scope should be clarified by adding:

'... as defined in Annex II of the Treaty.'

#### 3.3. Article 1.2

3.3.1. For reasons given in the general comments, the Committee would prefer these exemptions to be deleted. However, if they are maintained, the following additions are essential:

3.3.1.1. Firstly the first sentence must be changed to:

'This Regulation except for chapter IV.1 A and B shall not apply to the direct sale...

This is necessary to ensure that unsafe milk products are not sold.'

3.3.1.2. And secondly, a paragraph should be added at the end:

'The establishments however have to comply with the requirements of Directive No ...../..... of ..... on the protection of human health by monitoring the wholesomeness of food and observing basic principles of hygiene during the production, handling and sale.'

3.3.2. This change should ensure that basic hygiene rules can be enforced by the competent authorities.

#### 3.4. Article 2.1

The reference to 'equivalent effect' is obscure.

#### 3.5. Article 2.2

'Authorized physical treatment' should be replaced by 'recognized physical treatment'.

#### 3.6. Article 2.3

3.6.1. This definition needs revising. The present version is less than clear. We understand that ice-cream made from whole milk and vegetable fat is covered but not ice-cream from skimmed milk and vegetable fat. Equally skimmed milk powder is covered but not filled milk powder. From a hygiene view the same rules must obviously apply to both types of product.

#### 3.7. Article 4

3.7.1. Add a new point:

'5. Member States or regions may ban the sale of raw milk on their territory for health reasons.'

3.7.2. This is currently the case in Scotland where banning raw milk has considerably reduced the number of food poisoning cases.

### 3.8. Article 6.9

#### 3.8.1. Add at the end:

'or have been subjected to hygiene requirements sufficient to satisfy the same criteria in the finished product.'

### 3.9. Article 7.1

3.9.1. Raw milk products can constitute a potential health risk. The Committee does not agree with leaving significant derogations affecting public health to a committee procedure without any involvement by the public. The list of raw milk products should be part of this instrument or an amendment thereof. It is particularly important that the list be published where the public has access to it.

### 3.10. Articles 7.3 and 7.4

3.10.1. These are totally unacceptable as they stand. As drafted at present, products covered by them could contain food-poisoning organisms, antibiotic residues etc. At the very least, references to exemptions from Article 6(1) to (4) must be changed to:

'exempted from Article 6.1 (except for compliance with chapter II of the Annex), 6.2, 6.3 (except for chapter IV.1 A and B of the Annex) and 6.4.'

3.10.2. Aside from that, it needs to be emphasized that the requirements of the Directive on general food hygiene, mentioned under Article 1.2 must continue to apply to the establishments concerned.

3.10.3. Finally, the word 'traditional' in 7.3 and 'long period' in 7.4 need defining.

### 3.11. Article 8

3.11.1. These derogations as they stand are not acceptable and indeed would appear to contradict Article 36 of the Treaty. They are an extreme case where the interplay of the two proposals destroys transparency: Article 6.2 refers to Article 3(2) of the heat-treated milk proposal which in turn refers to Annex B, chapter V.

3.11.2. The net result is to exempt premises from daily cleaning, daily disinfection of containers and work places etc. This Article should be deleted. If it were maintained despite the objections of the Committee,

the term 'limited production' must be quantified and it must be made clear that the General Hygiene Directive mentioned under Article 1.2 continues to apply to these establishments.

3.11.3. Whenever derogations are applied for, or granted, they should be made public by the competent authority.

### 3.12. Articles 9 — 12

3.12.1. Some of the measures to be proposed by the Commission may affect the general public interest as well as consumer interests generally. In such cases the Commission's draft of 'measures to be taken' should also be sent to the Economic and Social Committee.

### 3.13. Chapter II. 1 and 3

3.13.1. In the table, change last point to:

'Antibiotics (per ml): not detectable by recognized biological methods.'

3.13.2. The present 'undetectable' is impracticable.

3.13.3. Also the Commission should agree standards for aflatoxin M1 and then include these.

3.13.4. Plate counts and somatic cell counts at the levels given in the proposal, are quality and animal husbandry criteria, which have little relevance to public health. They should be in separate proposals dealing with these subjects.

3.13.5. If they are retained in this proposal, it must be made clear that they are indicative standards only and not rejection ones.

### 3.14. Chapter II.2.b

3.14.1. Having standards for *Staph. aureus* only is illogical. Either these should be deleted or preferably, there should be standards for all pathogens.

### 3.15. Chapter III.2

3.15.1. Any such standards should be set by a Council measure, not by a Committee procedure.

### 3.16. Chapter IV.1

3.16.1. This chapter contains a confusing mixture of public health and quality standards.

3.16.2. The Committee would emphasize that protection of the consumer is best served by having GMP (Good Manufacturing Practice) principles and manufacture based on HACCP (Hazard Analysis of Critical Control Points). With such an approach it is necessary to have microbiological criteria for the manufacturer to verify that GMP has been applied.

3.16.3. Only the figures for pathogens and for faecal (44 °C) coliforms are actual health standards which must be strictly observed. The proposal must make the distinction clearer and say that the table must be interpreted in this light.

3.16.4. Aside from this the table needs changes as follows:

- Not all pathogens are relevant to all products. Listeria for instance is not relevant to powdered milk.
- The term 'Other pathogens' is too vague and needs differentiating by product and type of pathogen. For instance yersinia enterocolitica is relevant to pasteurised milk but not to UHT.

### 3.17. Chapter IV.1.b

3.17.1. Organoleptic tests are quality, not health standards.

### 3.18. Chapter V

3.18.1. In the English version, change 'inspection' to 'control' throughout to conform with the original French text.

Done at Brussels, 19 September 1990.

*The Chairman  
of the Economic and Social Committee*

Alberto MASPRONE

## Opinion on the proposal for a Council Regulation laying down the health rules for the production and placing on the market of meat products<sup>(1)</sup>

(90/C 332/28)

On 21 February 1990 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 12 July 1990. The Rapporteur was Mr Gardner.

At its 279th plenary session (meeting of 19 September 1990) the Economic and Social Committee adopted the following Opinion by 68 votes to 0, with 2 abstentions.

### 1. Introduction

1.1. This proposal deals with health rules governing meat which has undergone some treatment and includes such products as ham, salami and other sausages, salted beef, etc.

1.2. The Committee welcomes the proposal in principle, but wants a number of changes as shown below.

### 2. General remarks

2.1. This is another proposal which does not include in the 'whereas' or in the text, appropriate reference to

<sup>(1)</sup> OJ No C 84, 2. 4. 1990, p. 89.