

**Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation (EC) laying down additional general rules on the common organization of the market in milk and milk products for drinking milk' <sup>(1)</sup>**

(98/C 19/20)

On 11 September 1997 the Council decided, under Articles 43 and 198 of the Treaty establishing the European Community, to consult the Economic and Social Committee on the above-mentioned proposal.

The Economic and Social Committee appointed Mr Nilsson as rapporteur-general.

At its 349th plenary session on 29 and 30 October 1997 (meeting of 29 October 1997), the Economic and Social Committee adopted the following opinion by 81 votes to two, with five abstentions.

## 1. Thrust of the Commission proposal

1.1. The Commission is proposing a new regulation to replace Regulation (EEC) No 1411/71. The purpose is twofold: to consolidate amendments to the original regulation and verify the validity of the provisions in force, and to review the classification, as laid down in the Act of Accession for Finland and Sweden.

1.2. The proposal involves streamlining the regulation so as to make it a 'vertical' regulation, which clarifies the rules on production of drinking milk. Since 1 January 1994 health and quality aspects come within the scope of Directive 92/46/EEC, which concerns all milk products; Articles 4 and 5 of the proposal are adapted accordingly.

1.3. Only a few changes are suggested to the rules on drinking milk. In practical terms, Finland and Sweden receive a further derogation for two years, up to 31 December 1999, as regards the minimum fat content of certain types of drinking milk.

1.4. It is also proposed to retain the ban on reducing (standardizing) the protein content of drinking milk. The option of enriched protein content remains but the proposal introduces common rules on minimum levels.

## 2. General comments on the Commission's proposal

2.1. The ESC welcomes the Commission's move to streamline the rules on production and to incorporate health and hygiene aspects in the relevant blanket directive so as to ensure uniformity.

2.2. In appraising the rules on the composition of milk, the main concern should be to meet consumer demand for a varied range of high-quality drinking milk satisfying all applicable health standards.

2.3. In the explanatory memorandum to its proposal, the Commission stresses the importance of drinking milk on the milk product market (26 % of total production in the fifteen Member States). It should be noted that, in the case of Finland and Sweden, this figure is as high as 33 % and 32 % respectively.

2.4. The ESC also agrees with the Commission proposal that the natural composition of milk proteins should be maintained and that standardization should be avoided, but that protein enrichment should be possible. Previously this matter was governed by national legislation.

2.5. The ESC considers that the proposal fails to place sufficient emphasis on the flexibility needed to give consumers freedom of choice as regards the range of drinking milk and authorized fat content.

2.6. The Commission is inconsistent when it cites the absence of consumer demand for a change in classification as grounds for its refusal to authorize lower fat contents in the case of Finland and Sweden yet at the same time says that consumer demand for semi-skimmed and skimmed milk has shot up (from 28,6 % in 1986 to 44,3 % in 1995) at the expense of whole milk (a drop from 65,4 % to 47,8 % in 1995). Here the consumer's interest in low fat alternatives is obvious. Consumers' preferences for certain products give a clear indication of whether they wish changes to be made. Needless to say, the consumer must have access to correct and clear information on the product's components.

2.7. The ESC observes that the Commission provides a very satisfactory description of conditions on the Finnish and Swedish milk markets. The proposal to extend the derogation is necessary because of the importance of drinking milk on these markets and the way consumer choice looks today. It is interesting to note that these markets consist virtually exclusively of

<sup>(1)</sup> OJ C 267, 3. 9. 1997, p. 93.

fresh, pasteurised milk (i.e. not UHT-milk), which explains why these products have little relevance on markets outside Finland and Sweden. The wording suggested in the proposal does not prevent any other Member State from marketing drinking milk in Finland and Sweden provided that it satisfies the rules laid down in Community legislation.

### 3. Special comments

3.1. Article 3(1) specifies the criteria to be met by drinking milk, with particular reference to fat content. The ceiling authorized for skimmed milk is 0,3 %. One way of increasing the consumer's range of choice, without any change in the current basic rules, would be

to authorize a variable rate of up to 0,5 %. For instance, on the Swedish market drinking milk with a fat content of between 0,3 % and 0,5 % accounts for as much as 17 % of total sale. The possibility of meeting this demand has a very positive impact on the milk market.

3.2. Article 3(2) refers to the derogation from Article 3(1) currently applicable to Finland and Sweden and extends it for a further two years. In view of the transitional rules from which other countries have benefited in this matter, the ESC feels that a longer transitional period of five years would be more appropriate to enable the two countries to undertake the necessary adjustments. By way of comparison, other Member States have been granted a transitional period of considerably more than two years for the purpose of adaptation.

Brussels, 29 October 1997.

*The President*  
*of the Economic and Social Committee*  
Tom JENKINS

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**Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy' <sup>(1)</sup>**

(98/C 19/21)

On 29 July 1997 the Council decided to consult the Economic and Social Committee, under Articles 43 and 198 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Economic and Social Committee decided to appoint Mr Chagas as rapporteur-general for its opinion.

At its 349th plenary session held on 29 and 30 October 1997 (meeting of 29 October) the Economic and Social Committee adopted the following opinion with 97 votes in favour and one abstention.

#### 1. The Commission proposal

1.1. In accordance with Council Regulation No 779/97 introducing arrangements for the management of fishing effort in the Baltic Sea <sup>(2)</sup>, the Commission is presenting a proposal to implement title IIA of Council

Regulation No 2847/93 <sup>(3)</sup> in the Baltic Sea. This deals in particular with the recording and transmission of data regarding fishing effort.

#### 2. Comments

2.1. As the Committee has already had the opportunity to state on a number of occasions, it is important to guarantee compliance with Community provisions

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<sup>(1)</sup> OJ C 267, 3. 9. 1997, p. 62.

<sup>(2)</sup> OJ L 113, 30. 4.1997, p. 1.

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<sup>(3)</sup> Regulation establishing a control system applicable to the common fisheries policy, OJ L 261, 20. 10. 1993, p. 1.