

3.2. This is a question of public health involving extremely low CFC consumption levels. The Commission should get the competent national authorities to speed up the registration of this type of medicinal product as soon as the propellant gases have been modified. The proposed reductions will thus be brought about as soon as possible, without the sick being deprived of essential remedies.

#### B. *Other products*

3.3. As regards exemptions for other essential uses, the Committee calls on the Commission to ensure that these are:

- included in an approved list,
- accompanied by a reference to the 'essential' applications,
- granted for a limited period,
- kept to a minimum.

#### 4. **Recycling**

4.1. The Commission should examine the possibility of recycling and eliminating the substances covered by this Regulation, especially fully halogenated CFCs and halons used in industrial or private installations since before the signing of the Montreal Protocol.

Done at Brussels, 27 May 1992.

*The Chairman  
of the Economic and Social Committee*

Michael GEUENICH

### **Opinion on the proposal for a Council Regulation (EEC) laying down marketing standards for certain milk and non-milk fats and fats composed of plant and animal products<sup>(1)</sup>**

(92/C 223/20)

On 10 February 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic 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 May 1992. The Rapporteur was Mr Quevedo Rojo.

At its 297th Plenary Session (meeting of 27 May 1992), the Economic and Social Committee adopted the following Opinion by 50 votes to 20 with 8 abstentions.

#### 1. **General comments**

1.1. The Committee basically approves the Commission proposal, in particular its efforts to protect a product whose quality has led to a host of imitators trying to take advantage of its reputation. It is supremely important to provide the consumer with maximum guarantees and information as to the real nature of products on sale.

1.2. The Committee would like to see the protection afforded to this product by its definition at EC level extended to other Community products.

1.3. To match the scope of the proposal its title should be replaced by the following: 'Proposal for a Council Regulation laying down marketing standards for certain milk fats for use as spreads, non-milk fats and blends thereof'.

<sup>(1)</sup> OJ No C 36, 14. 2. 1992, p. 12.

1.4. The Committee considers that the term 'butter' should be reserved solely for the product obtained from milk or cream with a fat content of more than 80 %. The Commission is urged to lay down another name (e.g. 'milk fat product') for products with a lower fat content in which the fat has been substituted by water or another substance.

## 2. Specific comments

2.1. The Committee proposes adding the following to Article 2 (1):

'These descriptions shall also be used when such products are mentioned as ingredients in other foodstuffs of which they form part.'

### 2.2. Article 4

2.2.1. The Committee proposes the following wording to clarify the meaning of paragraph 1 (b):

'the total fat content of the finished product before its dispatch from the manufacturers, for the products referred to in Annex II with a fat content of less than 80 %.'

2.2.2. In the Committee's view, paragraph 1 (d) could be deleted, bearing in mind that it refers to products containing no other fats than milk fats and the total fat content is indicated pursuant to paragraph 1 (b).

2.2.3. Paragraph 2: the Committee proposes that this paragraph be included in the relevant section of Annex II.

2.2.4. Paragraph 3: the Committee proposes that the meaning of 'variety' and 'origin' be clarified as these terms are also used in the proposed Regulations on the protection of geographical indications and designation of origin for agricultural products and foodstuffs and on certificates of specific character for foodstuffs.

### 2.3. Article 5

2.3.1. The Committee proposes adding the following to paragraph 2:

'This information must be indicated in the commercial documents which accompany products when they are not wrapped.'

2.4. The Committee proposes deleting the second paragraph of Article 7.

2.5. The Committee proposes the following wording to clarify the meaning of Article 10.

'In cases where reference is made to this Article, the measures in question shall be adopted, where appropriate:

- in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68,
- in accordance with the procedure laid down in Article 38 of Regulation (EEC) No 136/66,
- in accordance with both procedures in conjunction.'

Done at Brussels, 27 May 1992.

*The Chairman  
of the Economic and Social Committee*

Michael GEUENICH

## APPENDIX

(Article 43, 4th paragraph of the Rules of Procedure)

The following amendments were defeated during the discussion:

### Page 1, point 1.4

Delete.

### Reasons

New requirements and product innovation have resulted in the increased production of butter with a 60 % and 40 % milk-fat content. These products should not be barred from the denomination—butter—, providing that the milk-fat content is clearly indicated on the packaging.

### Voting

For: 21, against: 45, abstentions: 2.

### Point 1.4

Delete.

*Reasons*

Butter (over 80 % fat content) should of course be called butter; accordingly half-fat butter should be called 'half-fat butter' and not, as the Rapporteur would like, 'milk fat product'.

Who would know that a 'milk-fat product' could actually be half-fat butter?

*Voting*

For: 21, against: 45, abstentions: 2.

**Point 1.4**

Delete and replace by the following:

'The Committee considers that traditionally made butter obtained from milk or cream with a fat content of more than 80 % should be given special protection under Article 4 (labelling) and/or Article 6 (quality levels).'

*Reasons*

The definition of butter proposed in point 1.4 is too restrictive for two reasons:

1. It prohibits practically all possibility of change in the way butter is made, and consequently the introduction of technological innovations in this sector. It would in fact be possible, without affecting the intrinsic properties of the product (milk-fat content), to improve the quality and competitiveness of the product (making it easier to spread for instance), e.g. through the addition of substances, provided of course they were not intended to replace the fat itself.

2. It excludes any possibility of diversification for the producer on the basis of the quality image of the term 'butter'; in other words, it would no longer be possible to market products derived from butter under descriptions such as 'half-fat butter' or 'three-quarter fat butter' defined in the proposed Regulation; the possibility of such diversification exists already for dairy products ('semi-skimmed milk', 'skimmed milk', etc.) without harming the image of milk or its intrinsic properties and without confusing the consumer (in the present case the Regulation stipulates that the milk-fat content must always be indicated on the product). There is in fact a real gap in the market here, as confirmed by the trend in market demand.

Opening up the milk fat sector to reduced products is therefore desirable if the purpose of the Regulation, i.e. to support producers by increasing the market value of their products, is not to be jeopardized.

3. It is perfectly legitimate to want to protect 'traditional butter' and this can be done under the Regulation, as indicated in this proposed amendment.

It is, however, absolutely necessary that the definition of the word 'butter' used alone be sufficiently general to allow this sector to evolve. The definition adopted by the proposed Regulation is, moreover, that of the codex.

*Voting*

For: 28, against: 44, abstentions: 4.

Add new point 2.6:

'Annex II, B and C

These two Annexes make illegal all products between 3 and 15 % milk fat and would thus stop the sale of products currently in the market which contain 10 % milk fat. This is unacceptable and must be rectified.'

*Reason*

The Commission stated during the Section meeting that this was due to ignorance and that they did not intend to make illegal products existing in some Member States. However we need to make the point clearly in our Opinion. Finding out such errors is one of the useful functions which the Committee performs for the man in the street.

*Voting*

For: 27, against: 27, abstentions: 18.

Add new point 2.7:

'On a more general level, such forbidden zones reduce consumer choice and limit product development. They are, therefore, inappropriate in a Single Market which is there to improve choice for the consumer by removing artificial barriers.'

*Reasons*

Self-evident. The Single Market should remove existing barriers and not create new ones as this proposal attempts to do.

*Voting*

For: 17, against: 40, abstentions: 13.

**Opinion on the proposal for a Council Regulation (EEC) authorizing an enhanced aid system for the formation of producers' organizations in the French overseas departments, in the Canary Islands, in Madeira and in the Azores<sup>(1)</sup>**

(92/C 223/21)

On 22 April 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Economic and Social Committee decided to appoint Mr Pricolo as Rapporteur-General for its Opinion.

At its 297th Plenary Session (meeting of 27 May 1992), the Economic and Social Committee unanimously adopted the following Opinion.

1. The Committee fully endorses the Commission's reasons for proposing enhanced aid for the formation and initial operation of producers' organizations in the fisheries sector in the French overseas departments, Canary Islands, Madeira and Azores.

2. The principle that aid should be graduated to reflect the special structural circumstances of different EC regions must now be recognized as a constant and inalienable part of agricultural structures policy.

The use of differentiated parameters which take account of the factors that impede economic development and production in the less favoured and most outlying regions of the Community provides a way of reducing (if not eliminating) structural disparities and thus boosting economic and social cohesion.

3. Provisions on producer groups and associations thereof are contained in horizontal Regulation (EEC)

No 1360/78 of 19 June 1978 as amended by Regulation (EEC) No 3808/89 of 12 December 1989 and, with particular reference to the fisheries sector, in Regulation (EEC) No 3687/91 of 28 November 1991. The provisions are designed to overcome structural problems connected with the concentration of supply and the adjustment of production to market demand.

These problems are much more acute—sometimes dramatically so—in the Community's most outlying regions and islands. Hence the need for a greater economic and financial effort to tackle the problem of the very high number of small, inadequately organized enterprises.

4. The Committee therefore welcomes the Commission's move, not least because it will provide a consistent derogation system for producers' organizations in the fisheries sector. The Council Decisions of 26 June 1991 concerning the Poseican (Canary Islands) and Poseima (Madeira and Azores) programmes already adopt the principle that producers' organizations in the fisheries sector in these islands should be eligible for enhanced aid.

<sup>(1)</sup> OJ No C 100, 22. 4. 1992, p. 13.