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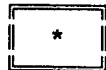
EUROPEAN PARLIAMENT

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A3-0078/91



REPORT

of the Committee on the Environment, Public Health and Consumer Protection

on the proposal from the Commission to the Council for a regulation adopting health rules for the production and placing on the market of heat-treated drinking milk

(COM(89) 672 final - C3-0107/90)

Rapporteur: Mr Madron SELIGMAN

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Or. EN

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

*	= Consultation procedure requiring a single reading	**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
I	= Cooperation procedure (first reading)	*	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 4 January 1990 the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the Commission proposal for a Council regulation (EEC) adopting health rules for the production and placing on the market of heat-treated drinking milk.

At the sitting of 14 May 1990 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets for their opinions.

At its meeting of 30 May 1990 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Madron Seligman rapporteur.

At its meetings of 21 February and 21 March 1991 it considered the Commission proposal and draft report.

At the last meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote: Collins, chairman; Schleicher, first vice-chairman; Scott-Hopkins, second vice-chairman; Seligman, rapporteur; Bowe, Canavarro, Diez de Rivera, Green, Car. Jackson, Jensen, Kuhn, Langenhagen (for Alber), S. Martin (for Bertens), Monnier-Besombes, Partsch, Pimenta, Llewellyn Smith, Vernier and Vertemati.

The opinions of the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets are attached.

The report was tabled on 26 March 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A
Commission proposal for a Council Regulation (EEC)
adopting health rules for the production and placing on the market
of heat-treated drinking milk

Commission text¹

Amendments

(Amendment No. 1)

Article 1a (new)

Drinking milk for sale in the Community must comply with the requirements of this Regulation, and horizontal legislation on products of animal origin and food labelling. These rules are without prejudice to future horizontal legislation with regard to food hygiene which may complement and supplement them.

(Amendment No. 2)

Article 2(1)

1. "raw milk" means milk as produced by secretion from the mammary glands of one or more dairy cows which has not been heated beyond 40°C or subjected to similar treatment;

1. "raw milk" means milk as produced by secretion from the mammary glands of one or more dairy cows or other animal sources which has not been heated beyond 40°C or subjected to similar treatment;

(Amendment No. 3)

Article 2(3)

3. "heat-treated drinking milk" means prepacked drinking milk intended for sale to the final consumer and to institutions, obtained by heat treatment and presented in the form of pasteurized, UHT or sterilized milk as defined in Annex B, Chapter VI (4), (6) and (7);

3. "heat-treated drinking milk" means drinking milk intended for sale to the final consumer and to institutions, obtained by heat treatment and presented in the form of pasteurized, UHT or sterilized milk as defined in Annex B, Chapter VI (4), (6) and (7) and milk treated by the process of pasteurization for bulk supply;

¹ For full text see OJ No. C 84, 2.4.1990, p. 130

Commission text

Amendments

(Amendment No. 4)
Article 2(4)

4. 'competent authority' means the health authority designated by the Member State concerned;

4. 'competent authority' means the authority designated by the Member State concerned or the body engaged by that authority;

(Amendment No 5)
Article 3(1)(a)

a) from which nothing has been removed and to which nothing has been added, except as an inherent consequence of standardization and purification operations;

a) which complies with Regulation 1411/71;

(Amendment No. 6)
Article 3(1)(g)

g) which, if appropriate, has been channelled through a milk-collection centre fulfilling the conditions laid down in Annex B, Chapters I, III and V;

g) which, if appropriate, has been channelled through a milk-collection centre fulfilling the conditions laid down in Annex B, Chapters I, III and V; or transferred between tankers under conditions which meet good hygiene and distribution practice.

(Amendment No. 7)

Article 3(7)

7. It must have a weight of not less than 1 030 grammes per litre, as recorded in whole milk at 20°C, or the equivalent as recorded in totally fat-free milk at 20°C, and contain a minimum of 28 grammes of protein (total nitrogen minus non protein nitrogen) per litre and a fat-free dry matter content of not less than 8.50%.

7. It must have a weight of not less than 1 030 grammes per litre, as recorded in whole milk at 20°C, or the equivalent as recorded in totally fat-free milk at 20°C, and contain a minimum of 28 grammes of protein (total nitrogen minus non protein nitrogen) per litre and a fat-free dry matter content of not less than 8.50%. While these standards shall be compulsory for milk intended for direct human consumption, it is understood that milk intended for manufacturing purposes may be unable to comply with all these standards throughout the year, and that allowances may therefore be made by the competent authority in such cases.

The standards of milk quality contained in Article 3(7) should properly form part of the regulation 1411/71 which should be revised as soon as possible whereupon they can be removed from this regulation which should only be concerned with hygiene and safety

(Amendment No. 8)

Article 4

1. The reference methods and, where necessary, routine methods of analysis and testing to be used to monitor compliance with the conditions laid down in Article 3 (1) (f), and (3), shall be adopted in accordance with the procedure laid down in Article 16. If necessary, the sampling methods shall be defined in accordance with the same procedure.

Any internationally accepted analysis and test methods shall be recognized as reference methods for the purpose of sampling and to monitor compliance with this Regulation, except where otherwise specified in the Annexes. In the absence of internationally accepted methods, routine methods shall be adopted in accordance with the procedure laid down in Article 16.

Commission text

Amendments

2. The reference methods and, where necessary routine methods to be used to monitor compliance with the conditions laid down in Article 3 (7) shall be adopted in accordance with the procedure laid down in Article 16.

In accordance with the same procedure, limits and methods shall be established to enable a distinction to be made between different types of heat-treated milk as defined in Annex B, Chapter IV.

3. However, pending the decisions referred to in paragraphs 1 and 2, any internationally accepted analysis and test methods shall be recognized as reference methods.

(Amendment No. 9)
Article 5(2)

2. The detailed arrangements for the inspection referred to in paragraph 1 and the general hygiene conditions to be complied with by milk production holdings, in particular the conditions for the upkeep of premises and those relating to milking, shall be adopted in accordance with the procedure laid down in Article 16.

2. The detailed arrangements for inspection, enforcement and achieving equivalence between Member States with regard to the hygiene standards, upkeep of premises, conditions of milking and animal health will be adopted in accordance with the procedure laid down in Article 16. These shall distinguish between raw and heat-treated milk.

Commission text

Amendments

(Amendment No.10)

Article 7(1)

1. Raw milk and heat-treated drinking milk shall undergo checks carried out by milk-treatment establishments, under the supervision and responsibility of the competent authority with periodic inspection by the latter, in order to ensure that milk complies with the requirements of this Regulation.

1. Raw milk and heat-treated drinking milk shall undergo checks carried out by milk-treatment establishments or independent control bodies recognized by the state, under the supervision and responsibility of the competent authority, with periodic inspection by the latter, in order to ensure that the milk complies with the requirements of this Regulation.

(Amendment No. 11)

Article 9(2)

2. Milk tankers, must bear a clear indication that they may be used only for the transport of foodstuffs.

2. Tankers used for milk, must bear a clear indication that they may be used only for the transport of foodstuffs.

(Amendment No. 12)

Article 9(3)

3. Where an establishment makes products obtained in part from milk and milk products, the products used in the manufacture of these foodstuffs must, if they have not previously undergone heat treatment or another kind of treatment which does not adversely affect milk or milk products, be stored and treated in premises specially provided for this purpose.

3. Where establishments produce foodstuffs containing milk and milk products together with other ingredients which have not undergone heat treatment or another means of preservation, the milk and ingredients should be stored separately to prevent cross-contamination, and treated or processed in premises suitable for the purpose.

Commission text

Amendments

(Amendment No. 13)

Article 10(1) first sub-paragraph

1. Veterinary experts from the Commission may make on-the-spot checks in so far as it is necessary for ensuring uniform application of this Regulation; they may, in particular, verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the inspections.

1. Veterinary and other competent experts from the Commission may make on-the-spot checks in so far as it is necessary for ensuring uniform application of this Regulation; they may, in particular, verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the inspections.

(Amendment No. 14)

Article 11

1. In accordance with the procedure laid down in Article 16, derogations from the provisions of Annex B, Chapters I, II, III and IV may be granted for establishments with limited production.

Deleted

2. In examining the derogations referred to in paragraph 1, the Commission shall take into consideration the information and criteria laid down in Articles 2 and 3 of Decision/.../EEC of ... (on the conditions for granting temporary and limited derogations from specific health rules on the production and placing on the market of certain products of animal origin).

3. When granting the derogations referred to in paragraph 1, the Commission shall set the general and particular terms applicable to the implementation of each derogation in accordance with the procedure laid down in Article 16.

Commission text

Amendments

(Amendment No. 15)

Article 16, third paragraph

The Commission shall adopt the proposed measures if they are in accordance with the opinion of the Committee.

The Commission shall adopt measures which shall apply immediately.

(Amendment No. 16)

Article 16, fourth and fifth paragraphs

If the proposed measures are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If the proposed measures are not in accordance with the opinion delivered by the Committee, they shall be communicated by the Commission to the Council forthwith.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall defer application of the measures which it has decided for a period of not more than three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the previous paragraph.

(Amendment No. 17)

Article 19(a) (new)

This Regulation shall be published in the Official Journal as a single integrated regulation with the 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 (COM(89) 667 final).

Commission text

Amendments

(Amendment No. 18)

Annex A, Chapter III, point 2

2. Immediately after milking, the milk must be placed in a clean place which is so equipped as to avoid adverse effects on the milk. If it is not collected within two hours of milking, the milk must be cooled to a temperature of 8°C at least in the case of daily collection or 6°C if collection is not daily; while the refrigerated milk is being transported to the treatment establishments its temperature must not exceed 10°C.

2. Immediately after milking, the milk must be placed in a clean place which is so equipped as to avoid adverse effects on the milk. Milk must be chilled to a temperature of not more than 6°C within four hours of milking, and should not exceed this temperature during transportation.

(Amendment No. 19)

Annex A, Chapter III, point 5

5. Where chemicals are used for the disinfection operations laid down in point 4, such chemicals must have been approved for that purpose by the competent authority.

5. Where chemicals are used for the disinfection operations laid down in point 4, such chemicals must have been approved for that purpose by the competent authority and must be washed off.

(Amendment No. 20)

Annex A, Chapter IV, paragraph 1

1. In order to be able to receive heat treatment and to meet the requirements of this Regulation, raw milk from each holding must satisfy the following minimum standards.

Compliance with the standards must be checked either by means of random samples taken during collection at the farm, or when the raw milk is admitted to the treatment establishment, or at the milk collection or standardization centre.

1. In order to be able to receive heat treatment and to meet the requirements of this Regulation, raw milk from each holding must satisfy the following minimum standards.

Compliance with the standards must be checked either by means of random samples taken during collection at the farm, or when the raw milk is admitted to the treatment establishment, or at the milk collection or standardization centre.

Commission text

Plate count 30°C ≤100 000 (1)
(per ml)

Somatic cell count <400 000 (2)
(per ml)

Antibiotics (per ml)
- penicillin <0.004 ug
- other undetectable

(1) Geometric average recorded over a period of two months with at least two samples a month

(2) Geometric average recorded over a period of three months, with at least one sample a month.

When the maximum standards are exceeded the competent authority shall take appropriate measures.

Amendments

Plate count 30°C ≤100 000 (1)
(per ml)

Somatic cell count <500 000 (2)
(per ml)

Antibiotics (per ml)
- penicillin <0.004 ug
- other undetectable

(1) Geometric average recorded over a period of two months with at least two samples a month

(2) Geometric average recorded over a period of six months, with at least one sample a month.

When the maximum standards are exceeded and when subsequent investigation indicates a potential danger to health, the competent authorities shall take appropriate measures.

(Amendment No 21)

Annex B, Chapter II, point (b)

b) equipment for the cooling and cold storage of heat-treated milk and, in the cases provided for in Chapters III, IV and VII(1), raw milk. Cold stores must be equipped with temperature-measuring apparatus.

b) equipment for the cooling and cold storage of heat-treated milk and, in the cases provided for in Chapters III, IV and VII(1), raw milk. Cold stores must be equipped with correctly calibrated temperature-measuring apparatus.

(Amendment No. 22)

Annex B, Chapter VI, point 4

4. Pasteurized milk must have been obtained by means of a treatment involving a high temperature for a short time (at least 71.7°C for 15 seconds or any equivalent combination).

4. Pasteurized milk must have been obtained by means of a treatment involving a high temperature for a short time (at least 71.7°C for 15 seconds or any equivalent combination) or a pasteurization process using different time and temperature combinations to achieve an equivalent effect.

Commission text

Amendments

(Amendment No. 23)
Annex B, Chapter VI, point 5B(b)

b) Antibiotics (per mil): may not exceed permitted levels.

b) Absence of antibiotic residues detectable by official methods.

(Amendment No. 24)
Annex B, Chapter VI, point 11

11. Heating processes, the temperatures and duration of heating in respect of pasteurized, sterilized and UHT milk, the types of heating equipment, the flow-diversion valve and the types of temperature controlling and recording devices shall be approved or authorized by the competent central authorities of the Member States.

11. Heating processes, the temperatures and duration of heating in respect of pasteurized, sterilized and UHT milk, the types of heating equipment, the flow-diversion valve and the types of temperature controlling and recording devices shall be approved or authorized by the competent central authorities of the Member States according to Community or international standards.

LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council regulation
adopting health rules for the production and placing on the market of
heat-treated drinking milk

The European Parliament

- having regard to the Commission proposal to the Council (COM(89) 672 final)¹),
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C3-0107/90),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets (A3-0078/91),
1. Approves the Commission proposal in accordance with the vote thereon;
 2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 5. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ C 84, 2.4.1990, p. 130

EXPLANATORY STATEMENT1. Food hygiene and 1992

Uniform standards of hygiene for food production and sale should be put in place in the Community by the end of 1992. To achieve this objective, a series of horizontal and vertical measures have been put forward by DG VI. A framework proposal concerning products of animal origin (PAO)¹ is intended to cover those foods for which there is no specific legislation or which are exempt under derogations from individual product rules. The Foodstuffs Division of DG III is also working on a proposal for a general food hygiene directive which the European Parliament called for in a resolution. It is not clear whether this will be an umbrella directive laying down hygiene requirements for all products from farm to final sale, or only a safety net for those products not covered by the agricultural regulations. The latter would be a poor alternative and will lead to different levels of protection for different types of food. Hygiene standards will also be affected by legislation on zoonoses (animal diseases which affect human beings), and a draft product safety directive under discussion in the Council which include food (see plan attached which shows the relationship between the proposals put forward by DG VI).

Proposed action - resolution

The European Parliament endorses the Commission's programme to introduce uniform standards of food hygiene by the end of 1992. It calls upon the Commission to unify the approaches of DG III and DG VI and produce a single framework directive covering all aspects of food hygiene from production on the farm to the point of purchase by the final consumer. The relationship between the horizontal proposals and the 11 vertical regulations covering, for example, milk, meat, fish and other agricultural commodities and framework legislation should then be clarified in the sectoral regulations.

2. The two draft milk regulations

The proposal on heat-treated drinking milk aims to extend the principles laid down in Directive 85/397/EEC governing trade in heat-treated milk to all cow's milk production in the Community whether for consumption within a Member State, Community trade or export. A separate proposal covers raw milk and milk-based products, including those made from sheep and goat's milk.

The draft heat-treated milk regulation sets hygiene and quality standards for establishments carrying out heat treatment, production holdings supplying milk for treatment, and during storage, transport, packaging and labelling of heat-treated drinking milk. There is considerable overlap and duplication, and some requirements which conflict with those in the raw milk and milk products regulations.

¹ COM(89) 492 final

Relationship between horizontal and vertical proposals from DG VI

Scheme: The production and the placing on the market of food of animal origin - health rules

H o r i z o n a l	General hygiene (COM(89) 492 final **
	Residue control *
	Zoonoses ***
	Checks in intra-Community trade - Council directive 11.12.89 OJ L 395, 30.12.89. p. 13 *
	Controls on imports from third countries *

V e r t i c a l a p p r o a c h	F r e s h m e a t	COM(89) 673 final *
	P o u l t r y m e a t	COM(89) 668 final *
	G a m e m e a t	COM(89) 496 final **
	M e a t p r o d u c t s	COM(89) 669 final *
	M i n c e d m e a t	COM(89) 671 final *
	E g g p r o d u c t s	Directive 89/437, OJ L212 COM(88) 646 final 27.7.89 *
	F i s h e r y p r o d u c t s	COM(89) 645 final **
	B i v a l v e m o l l u s c s	COM(89) 648 final **
	M i l k - d a i r y p r o d u c t s	COM(89) 667 final COM(89) 672 final **
	M e l t e d f a t s	COM(89) 490 final **
O t h e r p r o d u c t s	COM(89) 492 final **	

OJ C 327, 30.12.89
OJ C 84, 2.4.90

* - existing measures
** - proposed measures
*** - measures to be adopted

The need for two separate regulations governing the milk sector is questionable. It results from administrative convenience because there is an existing directive covering trade in heat-treated milk which must be amended, rather than in the interests of sound legislation and appropriate control. To have to refer to a range of complementary, if not conflicting, rules is bureaucratic and unacceptable, particularly for small enterprises on whom it will place a considerable burden.

Proposed action - recommendations

The committee welcomes the Commission's intention to extend the health controls on trade in heat-treated milk to all Community production, and to introduce common hygiene standards. This will ensure consumers throughout the Community can purchase safe milk.

The committee calls upon the Commission to withdraw the proposed regulations on heat-treated drinking milk 89/672/EEC and on raw milk and milk products 89/667/EEC, and replace them with a single proposal governing the milk sector as a whole. The European Parliament will then give its opinion on the revised, consolidated text.

Only if the committee does not agree with this approach is it necessary to consider the detailed amendments attached.

3. Need for the regulations

Detailed regulations in the milk sector are necessary to ensure that equivalent standards of hygiene operate within the Community after the removal of border controls and to establish the high level of safety required by article 100a of the Single European Act. However, the heat-treated milk proposal includes quality standards (which originated in the 1985 regulations) as well as hygiene requirements.

There is concern that the quality requirements are excessive and would require segregation of milk on the basis of density and available solids - not fat, protein content and cell count. These requirements cannot be met by all Community producers and are affected by climatic and feeding conditions at different times of the year.

Action - proposal to the Commission

The retention of the quality standards contained in 85/397/EEC and their application to all milk produced in the Community is desirable, but is unlikely to be achieved within the proposed timescale. The committee therefore proposes that all references to standards to quality be deleted from the milk proposals and that the Commission come forward with future proposals for fat and protein standards and a timetable for achieving them which will not hinder the achievement of common hygiene standards by 1992.

Milk should not be condemned or rejected by inspectors unless it has been fraudulently adulterated or fails to comply with hygiene and microbiological standards. Failure to meet quality requirements should result in less onerous penalties for which the Commission should draft guidelines.

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Agriculture, Fisheries and Rural Development

for the Committee on the Environment,
Public Health and Consumer Protection

Draftsman: Mrs Simone Martin

At its meeting of 23 March 1990 the Committee on Agriculture appointed Mrs Simone Martin draftsman.

At its meetings of 18/19 September, 26/27 September and 15/16 October 1990 the Committee on Agriculture considered the draft opinion.

At the last meeting it adopted the conclusions as a whole unanimously.

The following took part in the vote: Borgo, vice-chairman and acting chairman; Simone Martin, draftsman; Bocklet, Carvalho Cardoso, Fantuzzi, Funk, Garcia, Görlach, Guillaume, Keppelhoff-Wiechert, McCartin, Maher (for Kofoed), Marck, Nicholson (for Navarro), Partsch (for Falqui), Simmonds, Sonneveld, Stevenson, Thareau, Vasquez Fouz, Verbeek and Wilson (for Rothe).

INTRODUCTION

The Commission has submitted a series of proposals regarding health rules to be complied with by foodstuffs after 1993 in order to ensure their free movement within the internal market.

The two texts submitted to us here belong to this series and concern raw milk and milk-based products and heat-treated milk respectively.

The proposal for a regulation concerning heat-treated milk (pasteurized, sterilized, concentrated, etc.) aims to replace Council Directive 85/397/EEC of 5 August 1985 on health and animal-health problems affecting intra-Community trade in heat-treated milk. It takes up the central point of this Directive, extending its field of application from transfrontier trade alone to all aspects of the production and marketing of the products in question throughout the Community, whether or not they have to cross the borders of the Member States.

A new text has been put forward regarding the other products, which explains why we are dealing with two different texts.

Nonetheless, the existence of two different texts creates unnecessary complications: the texts contain constant cross-references to each other or copy each other. For the sake of clarity and with a view to facilitating the application of this Regulation by those concerned, it would be distinctly preferable to have available a single text synthesizing the two proposals. The draftsman therefore believes that the proposals for Regulations which have been submitted should be completely revised by the Commission to produce a single text.

As regards the content, the standards proposed relate on the one hand to production conditions and on the other to the hygiene level of the final product.

PRODUCTION CONDITIONS

The rules governing production conditions do not in themselves raise any major objections. Generally speaking, the vast majority of milk-producing and agricultural holdings throughout the Member States have already reached the required levels or could easily do so. It will, however, be necessary in many cases to grant temporary derogations to the least well-equipped establishments to enable them to make the necessary adjustments without undue hardship, but if some enterprises face economic problems, the establishments affected do not constitute a particular regional or sectoral sub-group.

The amendments proposed concerning length of refrigeration and temperatures are intended to take into account the seasonal nature of milk production which can create difficulties regarding the immediate use of milk collected whilst also taking into consideration the usual practices with regard to refrigeration.

FINISHED PRODUCTS

As regards the rules for finished products, the permitted levels of bacteria or other microorganisms constitute fairly ambitious targets but ones which are nevertheless compatible with the output from quality-conscious undertakings within the Community.

The Commission has taken into account the differing production methods and degree of development in the industry throughout the Community and the levels proposed are a reasonable compromise.

However, the case of raw milk products (principally cheese) has not been dealt with in a very satisfactory manner; these cheeses are top of the range products particularly sought after by connoisseurs. Their method of manufacture nevertheless means that they have a higher content of certain live harmless microorganisms than similar products which have undergone a heat-treatment. These are the microorganisms which, in general, and in the context of these hygiene regulations in particular, serve to indicate the presence of other contaminations.

A hard and fast application of the rules governing cheeses made from pasteurized milk would therefore have rejected the best products on the grounds of an inappropriate bacteriological tolerance threshold - fortunately the Commission made no such recommendations. Its proposal in fact takes account of the specific nature of raw milk products by allowing that 'traditional products' may enjoy derogations to the general rules according to the derogation procedure granted on the opinion of the Standing Veterinary Committee.

The proposed measure is still not entirely satisfactory. It views raw milk products as 'marginal' products which are merely tolerated, casting some doubt on the granting of derogations likely to affect the new producers or to limit the geographical development of production.

Hence the draftsman proposes that these cheeses be considered as belonging to the products listed in Chapter 4 of the annex to the proposal COM(89) 667 final, by providing for specific tolerance levels for this type of product for harmless microorganisms (for dangerous microorganisms such as listeria or salmonella, the lowest level applies for raw milk products as for all other milk-based products).

The Committee on Agriculture, Fisheries and Regional Development therefore invites the Committee on the Environment, Public Health and Consumer Protection to take note of the following amendments in drawing up its report:

Proposal for a Council regulation
laying down health rules for the production
and placing on the market of raw milk,
of milk and the manufacture of milk-based products
and of milk-based products

Commission text¹

Amendments

(Amendment No. 1)

Recital 11

whereas certain milk-based products may be manufactured from raw milk; whereas given the nature of these products, it may be necessary to draw up a list of such products as might be marketed;

whereas certain milk-based products may be manufactured from raw milk; whereas given the nature of these products, it is necessary to establish rules taking account of their specific character;

(Amendment No. 2)

Article 2(9)

9. 'competent authority' means the competent public health authority designated by the Member State;

9. 'competent authority' means the competent authority designated by the Member State or the body engaged by that authority;

(Amendment No. 3)

Article 7

1. Article 6(9) shall not apply to products 'made with raw milk'. Where appropriate, a list of products, 'made with raw milk' that may be placed on the market shall be drawn up in accordance with the procedure laid down in Article 15.

1. Article 6(9) shall not apply to products 'made with raw milk'

¹ For full text, see OJ No. C 84, 2 April 1990, p. 112

(Amendment No. 4)

Article 7(4), first sentence

4. Manufacture of cheese with a long period of ageing or ripening shall not be subject to the provisions of Article 6(1) to (4).

4. Manufacture of cheese with a long period of ageing or ripening shall not be subject to the provisions of Article 6(1), (2) and (4).

(Amendment No. 5)

Article 16a (new)

This Regulation shall be published in the Official Journal as a single regulation with the Regulation adopting health rules for the production and placing on the market of heat-treated drinking milk (COM(89) 672 final).

(Amendment No. 6)

ANNEX, Chapter III

STANDARDS FOR MILK FOR THE MANUFACTURE OF MILK-BASED PRODUCTS

1. The person in charge of the processing establishment must take all necessary steps to ensure that, in the case of products 'made with raw milk', the milk is treated or processed within 36 hours of acceptance.

STANDARDS FOR MILK FOR THE MANUFACTURE OF MILK-BASED PRODUCTS

1. The person in charge of the processing establishment must take all necessary steps to ensure that, in the case of products 'made with raw milk', the milk is treated or processed within 36 hours of acceptance, if the milk is kept at a temperature above 4°C, or within 48 hours of acceptance if the milk is kept at a temperature of or lower than 4°C.

(Amendment No. 7)

ANNEX

Chapter IV

1. Microbiological standards for
certain milk-based products on
removal from the processing
establishment

1. Microbiological standards for
certain milk-based products on
removal from the processing
establishment

TYPE OF MICROORGANISM	PRODUCTS	STANDARD (cf. g)
Pathogenic microorganisms		
- <i>Listeria monocytogenes</i>	- all	absent in 25 (cf. g) n-5, c-0
- <i>Salmonella</i>	- all	absent in 25 (cf. g) n-5, c-0
- <i>Staphylococcus aureus</i>	- soft cheese - fresh cheese - frozen milk products	$e=10^2, M=10^2$, n-5, c-2 $e=10, M=10^2$, n-5, c-2 $e=0, M=10, n=5, c=2$
- other pathogens	- all	absent in 25 (cf. g) n-5, c-0

TYPE OF MICROORGANISM	PRODUCTS	STANDARD (cf. g)
A. Pathogenic microorganisms		
- <i>Listeria monocytogenes</i>	- all	absent in 25 (cf. g) n-5, c-0
- <i>Salmonella</i>	- all	absent in 25 (cf. g) n-5, c-0
- <i>Staphylococcus aureus</i>	- cheese from cow milk - fresh cheese - frozen milk products	$e=10^2, M=10^2$, n-5, c-2 $e=10, M=10^2$, n-5, c-2 $e=0, M=10, n=5, c=2$
- other pathogens	- all	absent in 25 (cf. g) n-5, c-0

(Amendment No. 7) (cont.)

ANNEX

Chapter IV

<p><u>B. Index organisms</u></p> <ul style="list-style-type: none"> - <i>Coliforms</i> (44°C) 	<p>- soft cheese</p>	<p>$a=10^2, V=10^3, n=5, c=2$</p>	<p><u>e. Index organisms</u></p> <ul style="list-style-type: none"> - <i>Coliforms</i> (44°C) <p><u>C. Indicator organisms</u></p> <ul style="list-style-type: none"> - <i>Coliforms</i> (10°C) 	<ul style="list-style-type: none"> - soft cheese - cheese made from raw milk - liquid milk and liquid milk products - butter - soft cheese - fresh cheese - powdered milk products - frozen milk products 	<p>$a=10^2, V=10^3, n=5, c=2$</p> <p>$a=10^4, V=10^5, n=5, c=2$</p> <p>$a=0, V=5, n=5, c=2$</p> <p>$a=0, V=10, n=5, c=2$</p> <p>$a=10^4, V=10^5, n=5, c=2$</p> <p>$a=10^2, V=10^3, n=5, c=2$</p> <p>$a=0, V=10, n=5, c=2$</p> <p>$a=0, V=5, n=5, c=2$</p>
<p><u>C. Indicator organisms</u></p> <ul style="list-style-type: none"> - <i>Coliforms</i> (30°C) 	<ul style="list-style-type: none"> - liquid milk and liquid milk products - butter - soft cheese - fresh cheese - powdered milk products - frozen milk products 	<p>$a=0, V=5, n=5, c=2$</p> <p>$a=0, V=10, n=5, c=2$</p> <p>$a=10^4, V=10^5, n=5, c=2$</p> <p>$a=10^2, V=10^3, n=5, c=2$</p> <p>$a=0, V=10, n=5, c=2$</p> <p>$a=0, V=5, n=5, c=2$</p>	<p><u>D. Other organisms</u></p>		

Commission text

Amendments

(Amendment No. 8)

ANNEX, Chapter IV - paragraph 3, third indent

not applicable to the French text

Proposal for a Council Regulation
laying down the health rules for the production
and placing on the market of
heat-treated drinking milk

Commission text¹

Amendments

(Amendment No. 9)

Article 2(3)

3. 'heat-treated drinking milk' means prepacked drinking milk intended for sale to the final consumer and to institutions, obtained by heat treatment and presented in the form of pasteurized, UHT or sterilized milk as defined in Annex B, Chapter VI(4), (6) and (7);

3. 'heat-treated drinking milk' means drinking milk intended for sale to the final consumer and to institutions, obtained by heat treatment and presented in the form of pasteurized, UHT or sterilized milk as defined in Annex B, Chapter VI(4), (6) and (7);

(Amendment No. 10)

Article 2(4)

4. 'competent authority' means the health authority designated by the Member State concerned;

4. 'competent authority' means the authority designated by the Member State concerned or the body engaged by that authority;

(Amendment No. 11)

Article 19a (new)

This Regulation shall be published in the Official Journal as a single integrated regulation with the 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 (COM(89) 667 final).

¹ For full text, see OJ No. C 84, 2 April 1990, p. 130

5 June 1990

Committee on Budgets
The Chairman

Mr COLLINS
Chairman of the Committee on the
Environment, Public Health and
Consumer Protection
2929 LUXEMBOURG

Subject : Opinion of the Committee on Budgets on the proposal for a Council regulation adopting health rules for the production and placing on the market of heat-treated drinking milk
(COM(89) 672 final - C3-0107/90)

Dear Mr Collins,

At its meeting of 1 June 1990 the Committee on Budgets considered the above subject.

In the light of its assessment of the proposal, the committee takes issue with the fact that the administrative appropriations have been entered in part B of the budget ('Operating appropriations').

It accordingly calls on the Commission to propose a more appropriate system of apportionment for the appropriations when preparing the preliminary draft budget.

Furthermore, the Committee on Budgets noted that for the purposes of applying the regulation, the Commission is proposing to enlist the assistance of a regulatory committee. In accordance with Article 205 of the EEC Treaty and the conclusions of the Working Party on Commitology Problems, set up by the Bureau in March 1989, the committee adopted an amendment to Article 16 of the proposal for a regulation seeking to replace the regulatory committee with a management committee.

Yours sincerely,

(sgd) Thomas von der VRING

Enclosure

Amendments adopted by the Committee on Budgets

Article 16
Third paragraph

The Commission shall adopt the proposed measures if they are in accordance with the opinion of the Committee.

The Commission shall adopt measures which shall apply immediately.

Fourth and fifth paragraphs

If the proposed measures are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If the proposed measures are not in accordance with the opinion delivered by the Committee, they shall be communicated by the Commission to the Council forthwith.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall defer application of the measures which it has decided for a period of not more than three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the previous paragraph.

The following were present : von der Vring, chairman; Arias Cañete, Böge, Colajanni, Colom i Naval, Elles, Kellet-Bowman, Langes, Lo Giudice, McCartin (for Forte), Miranda da Silva, Pasty, Theato, Tomlinson and Wynn.