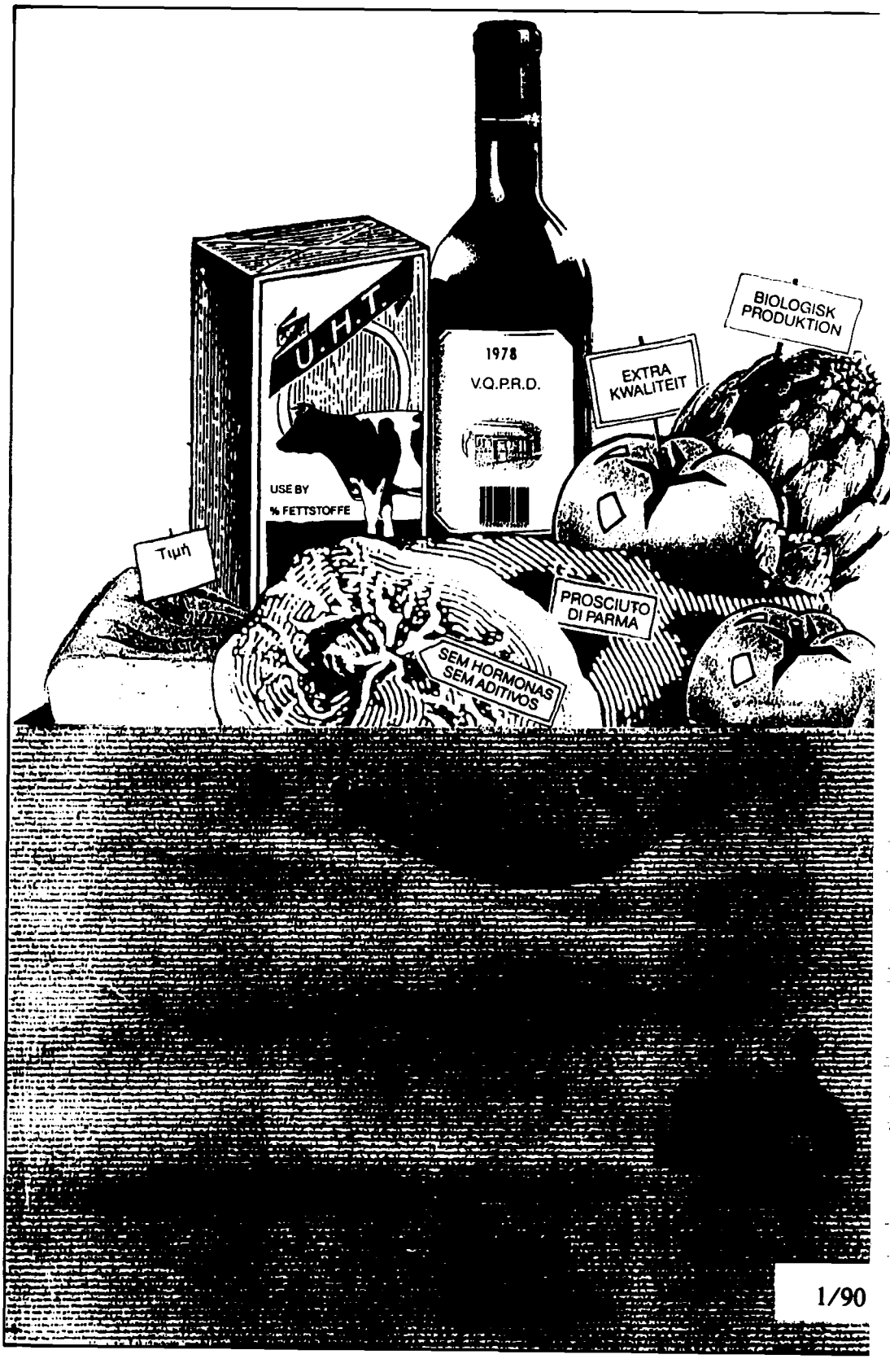
COMMISSION OF THE EUROPEAN COMMUNITIES
Directorate-General Information, Communication, Culture
Agricultural Information Service

EUROPE

from the farmer...
...to the consumer



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FROM THE FARMER . . .
. . . .TO THE CONSUMER

Manuscript completed in March 1990

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Luxembourg: Office for Official Publications
of the European Communities, 1990

ISSN 1012-2117

Catalogue number: CC-AK-90-001-EN-C

Printed in Belgium

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INTRODUCTION

There are 325 million consumers in the European Community.

They do not all spend their money in the same way. Consumption varies according to habits and income levels. For example, a Danish household spends more than the Community average on housing and heating, whereas an Irish household allocates almost 45% of its budget to food, beverages and tobacco.

However, food remains one of the priority items in family budgets. In 1985 every European spent nearly 1 ECU out of 5 on food, although there were considerable differences between the Member States.

The table below shows that Greek and Portuguese households spent a much larger proportion of their budget on food (33%) than did German, UK or Netherlands households (between 13 and 15%).

TABLE 1

Expenditure on food, beverages and tobacco as a percentage of expenditure on final consumption in 1986

Member State	Food, beverages and tobacco	Food	Non-alcoholic beverages	Alcoholic beverages	Tobacco
BELGIUM	21.3	17.7	0.5	1.4	1.7.
DENMARK	23.5	16.4	0.6	3.6	3.0
FEDERAL REPUBLIC OF GERMANY	17	12.7	0.5	2.2	1.6
GREECE	39.9	33.0	1.4	2.6	2.9
SPAIN	27.2	24.5	0.4	11.1	1.3
FRANCE	20.5	16.8	0.5	2.1	1.1
IRELAND	43.2	24.5	1.5	12.2	5.0
ITALY	28.7	24.5	0.3	1.7	2.1
LUXEMBOURG	23.3	14.9	0.5	1.5	6.4
NETHERLANDS	19.1	14.8	0.5	2.0	1.8
PORTUGAL	38.6	33.4	0.2	2.2	2.2
UNITED KINGDOM	16.9	13.6	0.6	1.9	2.8
EUR 12	21.9	17.5	0.5	2.1	2.0

Source: Eurostat

The following table shows that the quantities of agricultural products consumed in the Community during the first half of the 1980s changed relatively little.
There were slight increases in the consumption of crop products (cereals, potatoes, vegetables, vegetable oils and fats), fresh milk products (including cheese) and pigmeat.

TABLE 2

HUMAN CONSUMPTION OF CERTAIN AGRICULTURAL PRODUCTS (EUR 12)

Products	kg per capita		In 1985–1986 consumption in the Member States was:			
	1980	1985	Highest in:		Lowest in:	
Cereals (1)	82	85	Italy	128	Netherlands	61
Potatoes (1)	78	80	Ireland	140	Italy	39
Sugar (1)	34	33	Denmark	44	Spain	24
Vegetables (1)	113	116	Greece	207	Federal Republic of Germany	75
Total fresh fruit (1)	60	60	Federal Republic of Germany	86	Ireland	31
Fresh milk products	99	102	Ireland	195	Greece	62
Cheese	12	14	Greece	22	Ireland	4
Butter	5	5	France Ireland	8	Spain	0
Margarine	5	5	Denmark	12	Spain Italy	1 1
Eggs	14	–	Federal Republic of Germany	17	Italy	11
Total meat	81	62	France	96	Portugal	70
Beef and veal	23	23	France	32	Spain	11
Pigmeat	36	37	Federal Republic of Germany	60	Greece	21
Sheepmeat and goatmeat	4	4	Greece	14	Denmark Federal Republic of Germany Netherlands	1 1 1
Poultrymeat	16	16	Spain	21	Denmark	11
Vegetable oils and fats	13	14	Greece	24	Belgium and Luxembourg	5

Source: Eurostat

(1) Crop years 1980–81 and 1987–88
(2) 1985

This table clearly illustrates the considerable differences in consumption from one country to another. (See the figures for the highest and lowest consumption).

However, eating habits in the Community are changing.

In the Mediterranean countries, consumption of meat, potatoes and milk products went up over the five-year period.
In Greece, per capita consumption of meat and potatoes rose in each case by 7 kg, whilst that of milk products was up 40 kg.
In contrast, the northern countries increased their consumption of cereals (+ 14 kg per person in Belgium and Luxembourg) and vegetables (+ 25 kg per person in Belgium and Luxembourg).

This trend towards a diet much richer in products of crop origin, which is particularly evident in northern Europe, reflects consumers' concern to achieve a balanced diet and eat more healthily.

Consumers no longer make their choice on the basis of price alone. They also want to be able to choose quality, wholesome products from a range of varieties, at reasonable prices. So that they can purchase goods in the full knowledge of what they are buying, they must be provided with detailed information about the products of their choice.

Prices, health protection, quality, consumer information - all these aspects are covered by Community legislation.
It is these Directives, Regulations and Recommendations which are presented in this issue of "Green Europe".

One of the objectives of the Common Agricultural Policy (CAP) is to organize agricultural production and markets. Each year the Council of Agriculture Ministers decide on the agricultural prices, agri-monetary measures and associated arrangements to be applied during the coming crop year. As we shall see in Chapter I, the CAP defends consumers' interests by:

- guaranteeing regular supplies
- guaranteeing reasonable consumer prices, whilst also providing free distribution or reduced-price sales to the more needy.Secondly, hormones, pesticides, additives, quality and origin labels, and reserved descriptions are all matters which either worry or confuse the general public. In order to deal with all the questions which arise, the Community has implemented a major programme of legislation and monitoring.

The Regulations, Directives and Recommendations adopted in the interests of health and quality are presented in Chapters II and III.

Chapter IV is devoted to consumer information, particularly labelling and price indication, which allow consumers to make their choice as "informed purchasers". The various control arrangements instituted by the Commission are also mentioned.

Chapters V and VI look at access to the courts for consumers seeking compensation for any damage and, finally, the various procedures for consulting consumer organizations during the preparation of Community standards.

I. PRICES

Farmers' decisions are not the only factors which influence agricultural production. Despite technical and biological progress, both the quantity and quality of harvests remain dependent on weather conditions.
This is why it is difficult to regulate the supply of agricultural products. In contrast, as basic food needs are generally satisfied, there is little variation in demand.
To balance the markets and guarantee fair incomes for farmers, governments have tended to adopt agricultural policies based on intervention. The European Community too has fallen in with this rule, which prevails in all industrialized countries.

The measures introduced under the Common Agricultural Policy (CAP) do not just concern agricultural production and farmers. They also take account of consumers' requirements.

The objectives of the CAP as laid down in the Treaty of Rome are explicit. They are:

a. to increase agricultural productivity by promoting technical progress;

b. to ensure a fair standard of living for the agricultural community;

c. to stabilize markets;

d. to assure the availability of supplies;

e. to ensure that supplies reach consumers at reasonable prices.

Of these five objectives, three are of direct concern to consumers:

- the availability of supplies and stability of markets (1)
- reasonable consumer prices (2).

Furthermore, a large number of measures relating to the organization of markets have been introduced to benefit the more needy consumers (3).

1. Security of supplies and market stability

Today's consumers tend to have forgotten the food shortages during and after the Second World War. Since the creation of the common market in agricultural products, the free movement of goods has brought about a considerable improvement in food supplies.
A vast range of quality products are permanently available for consumption.

New products are forever appearing on the market - nectarines, kiwi fruit, satsumas, low-calorie milk products, to name but a few - thanks above all to the results of agronomic research.

As far as many food products are concerned, particularly milk products, sugar etc, security of supplies is guaranteed by Community production. The Community is self-sufficient in these products (1) as a result of the growth in agricultural production (+ 1.5 - 2% per annum in terms of volume), as well as technical and biological progress.

Whilst self-sufficiency is achieved for most agricultural products, the Community of Twelve is still the leading importer of agricultural products and foodstuffs, and its trade balance shows a deficit. In 1988 the European Community imported agricultural products and foodstuffs valued at 53 473 million ECU, whereas exports amounted to only 29 996 million ECU. This shows that the improvement in food supplies through the CAP has not caused the Community to screen itself off from the rest of the world. For example, a large part of animal production in the Community of Twelve remains dependent on imported feedingstuffs.

The European Community imports agricultural products:

a. where the self-sufficiency rate is low and cannot be improved in the short term:

   * tropical fruits, tea, coffee, spices, etc.
   * agricultural raw materials (wood, cork)

b. which it grows itself - and in some cases even has surpluses - but has granted preferential access under GATT (GeneralAgreement on Tariffs and Trade), multilateral arrangements (with EFTA or Mediterranean countries) or bilateral agreements

   * products for which self-sufficiency has not been fully achieved:
     - fresh fruit in general
     - animal feedingstuffs (oilseeds, manioc, cereal processing residues)
   * products in which self-sufficiency has been fully achieved:
     - olive oil (imports under the cooperation agreement between the EEC and Tunisia)
     - sugar (preferential sugar imports from ACP States)
     - butter (imports of New Zealand butter into the UK under the Act of Accession)
     - cereals (imports of US maize and sorghum into Spain under the Act of Accession).

Of these agreements, the most important preference arrangements apply to developing countries. They originate from the Generalized System of Preferences (GSP), which covers more than 128 developing countries, and from the Lomé Convention, which associates 66 African, Caribbean and Pacific (ACP) countries with the Community.

Under the GSP, duties on more than 400 processed or ready-to-be-processed agricultural products are abolished or reduced. Under the Lomé Convention, almost all products from ACP states are exempted from customs duties when imported into the Community.

Clearly, all these measures - both the internal regulation of agricultural markets and measures applied to imports - have helped to regulate supplies and stabilize markets. Their absence would cause significant variations in supply, leading to sudden price fluctuations, a situation which neither farmers nor consumers would want to see.

2. Reasonable consumer prices

Very often, consumers do not realise that on the Community market:

- the prices paid to farmers go up much more slowly than the prices of consumer goods as a whole (2.1);
- food prices are no higher than in the other OECD member countries (2.2).

2.1 The rise in agricultural prices is well below the rate of inflation

Before examining trends in agriculural prices, it is necessary to draw attention to the distinction between farm prices (the prices paid to the producer for his products) and consumer prices (the prices paid by consumers for products). Farm prices certainly do affect consumer prices, but they are not the decisive factor. The proportion of agricultural produce which is sold directly from the producer to the consumer is now extremely small. Generally speaking, consumer prices include the costs of processing, packaging, transport, storage and distribution. In most cases the farmer receives less than half the price paid by the consumer for a food product, although this varies according to the influence of the organizational framework within which farmers operate and from one Member State to another.

2.1.1 Decline in farm prices

A study of the deflated index of farm prices for agricultural products (prices allowing for inflation) reveals an ongoing decline since 1983, with farm prices in real terms going down each year by an average of 3-4%. In other words, the prices paid to producers have gone down steadily since 1983.

Deflated index of farm prices for agricultural products as a whole (base 1980 = 100)

%

	1983	1984	1985	1986	1987	1988	1989
Belgium	105.1	101.0	94.4	88.1	84.7	83.2	89.8
Denmark	99.7	96.6	90.5	84.2	78.7	76.3	79.3
Federal Republic of Germany	93.9	90.6	85.2	80.4	78.6	77.0	81.2
Greece	98.8	100.4	99.4	91.5	87.6	86.7	88.7
Spain	96.5	95.7	93.2	93.0	86.2	84.4	84.7
France	98.2	94.4	90.5	88.5	83.5	81.6	84.8
Ireland	86.9	82.4	76.0	72.8	73.4	79.4	80.5
Italy	91.2	87.4	85.5	84.0	79.7	77.9	76.9
Luxembourg	105.4	97.6	97.1	97.7	98.4	99.4	102.4
Netherlands	99.0	97.7	93.7	87.4	86.2	86.7	91.4
Portugal	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
United Kingdom	99.0	94.5	87.6	86.5	84.2	80.4	80.0
EUR 11	95.9	92.9	89.1	86.2	82.3	80.7	82.4

2.1.2 Comparison between the different prices of agricultural products and foodstuffs and the general price index

The following table shows that increases in farm prices in nominal terms over recent years have been much smaller than rises in the consumer prices of foodstuffs and well below the rate of inflation in the Community.

The increase in consumer prices of foodstuffs has been very similar to the general consumer price rise.

The rate of increase slowed down considerably between 1985 and 1987, in line with the deflationary trend observed for consumer products as a whole.

TABLE 4

Comparison between the regulation, farm and consumer prices of agricultural products and foodstuffs 1980-1987(EUR 10)

	Regulation prices (1)		Farm prices (2)		Consumer prices of foodstuffs (3)		Consumer prices (inflation) (4)	
	Indices	Rate%	Indices	Rate%	Indices	Rate%	Indices	Rate%
1980	100.0	5.4	100.0	7.0	100.0	10.3	100.0	13.4
1981	110.8	10.8	111.5	11.5	111.7	11.7	111.7	11.7
1982	124.0	11.9	123.6	10.9	124.0	11.0	123.0	10.1
1983	131.1	5.7	131.3	6.2	132.8	7.1	132.7	7.9
1984	135.2	3.1	136.3	3.8	142.3	7.2	141.2	6.4
1985	135.6	0.3	139.3	2.2	149.5	5.1	149.1	5.6
1986	138.9	2.4	140.4	0.8	154.6	3.4	153.4	2.3
1987	143.5	3.3	140.2	-0.1	157.7	2.0	157.4	2.6

(1) Intervention price or equivalent. Weighted average of increase in prices in national currency for products subject to common prices.

(2) All agricultural products.

(3) General index of consumer prices of foodstuffs, excluding beverages and tobacco.

(4) General index of consumer prices.

Source: Eurostat and DG VI.

During the same period the index of regulation prices (minimum prices guaranteed to farmers: intervention prices and equivalent) and the farm price index rose at similar rates. In both cases the increase was well below the inflation rate (general index of consumer prices).

A comparison of farm price and consumer price trends shows that every year the prices paid to producers went up less than those paid by consumers for the purchase of foodstuffs.

From 1984, the annual rate of increase of consumer prices for foodstuffs was more than twice as high as the rise in farm prices of agricultural products.

These results suggest that the measures adopted under the CAP have helped to reduce inflation and keep down food costs.

Particularly significant during this period is the fact that the Council of Agriculture Ministers decided to freeze regulation prices expressed in ECU, extending the freeze from year to year. This means that factors other than the guaranteed farm prices (processing costs, middlemen's profit margins, transport, etc) have an effect on consumer prices levels and trends for foodstuffs.

2.2 Food is not more expensive in the Community

TABLE 5

Comparison of consumer price levels for foodstuffs in the Community and certain OECD countries
1985-EUR 12 = 100

	Total foodstuffs	OF WHICH			
		bread and cereals	meat	milk and milk products	fruit and vegetables
Belgium	102.2	95.8	105.1	99.6	117.0
Denmark	126.8	123.4	134.8	112.1	159.1
Federal Republic of Germany	103.0	105.5	108.9	85.0	114.7
Greece	79.9	76.3	76.7	91.7	66.3
Spain	86.8	84.0	77.9	103.5	84.0
France	103.3	116.6	99.3	101.7	103.5
Ireland	102.2	97.6	94.8	107.4	130.2
Italy	94.8	95.5	100.6	100.2	82.7
Luxembourg	98.7	94.3	106.2	89.6	97.7
Netherlands	95.9	88.6	109.1	86.1	106.2
Portugal	76.0	80.3	70.4	86.3	73.0
United Kingdom	90.9	79.7	88.7	96.3	105.9
EUR 12	100.0	100.0	100.0	100.0	100.0
Austria	111.8	112.7	112.8	117.8	107.9
Canada	115.5	133.5	92.6	145.6	124.2
Australia	85.3	93.0	72.8	93.2	95.3
Japan	155.6	161.0	192.0	162.4	187.7
United States	124.0	146.5	97.7	128.0	146.9

Source: Eurostat

The OECD consists of the 24 most industrialized countries of the world, including the USA, Japan, Australia and New Zealand.

The above table shows that food prices vary from one Member State to another.

The housewife's bag of shopping is cheapest in Greece, Spain and Portugal.

Even in the United Kingdom, Italy, Netherlands and Luxembourg, food prices are below the Community average.

UK consumers enjoy lower prices for all product categories except fruit and vegetables. On the other side of the coin, the prices paid by Danish families are well above the Community average. The prices of 25 market garden products there are 60% higher than the European average prices.

Particularly in 1985, food was not more expensive in the Community than elsewhere. In terms of purchasing power parity, consumer food prices were higher than the Community average in Austria, Canada, the USA and Japan. Only in Australia were consumer prices lower than in the Community.

More recently (1988) a statistical survey carried out by the US Ministry of Agriculture found that consumers in the major European cities (Bonn, London, Madrid, Paris and Rome) paid more or less the same price for the same selection of foods as in Ottawa, Washington or Seoul, but two or three times less than in Bern, Stockholm or Tokyo.(2)

Even though such comparisons do not really take account of differences in food habits, incomes or currencies, the figures nevertheless confirm that Community prices remain reasonable.

3. "Social" measures

The press, not to mention the consumer associations, often draw attention to the potential benefits to the most deprived of selling surplus agricultural produce at special prices. The Community does allow this.

However, it must be stressed that such measures are not compulsory, and the Member States are free to act as they see fit.

Portugal will not be in a position to implement social measures requiring Community financing (reduced-price sales, consumer aids, free distribution of fruit and vegetables withdrawn from the market) before the end of the first transition phase, scheduled for 1991. However, it can implement such social measures on a national basis.
As from 1990 Spain will be able to obtain Community financing for fruit and vegetable distribution. All other measures are already applied there.

3.1. Reduced-price sales of beef and veal

Beef and veal held by intervention agencies has been offered for sale to welfare institutions and bodies since 1979 (3). The Commission fixes the selling prices at a level well below the intervention prices. There is no limit on quantities, and sales for social purposes are given priority.

The Member States draw up a list of the institutions and bodies which have been authorized to benefit from such sales. Only associations on these lists may submit applications to the intervention agencies.

Since 1979 only four Member States (Belgium, France, Greece and Italy) have made use of this facility. In fact it was only in 1986 that Belgium and Greece did so for the first time, following the setting up of canteens for the needy.

3.2. Free distribution of fruit and vegetables withdrawn from the market

The free distribution of fruit and vegetables withdrawn from the market to social institutions, schools, holiday centres, hospitals and hospices has been practised since 1967 and has been reorganized on several occasions (4).
In this way the most deprived persons have been given an opportunity to consume: cauliflowers, tomatoes, aubergines, peaches, apricots, lemons, pears, grapes, apples, mandarins and oranges.

These operations are organized by the Member States, but financing and the costs of packaging and transport are covered by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).

Since 1967 all Member States where these fruits and vegetables have been withdrawn from the market have made use of this possibility.

3.3. Reduced-price sales of butter

3.3.1. To persons receiving social assistance

The Member States are authorized to grant Community aid for the purchase of butter at a reduced price by persons receiving social assistance (5). Only Ireland, which has always given similar aid to its citizens, has made use of this facility.

3.3.2. To manufacturers of pastry products and ice-cream

Manufacturers of pastry products, ice-cream and other foodstuffs may purchase butter from public stocks at reduced prices.

They may also purchase ordinary butter and concentrated butter from the market at reduced prices, with aid provided by the EAGGF for such purposes.

A standing invitation to tender is published in order to guarantee equal access for all purchasers and control the quantities sold.

Since 1988 the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs have been governed by one and the same Community Regulation (6).

In 1988 butter sales for the manufacture of pastry products and ice-cream reached 263 000 tonnes and 65 000 tonnes respectively.

3.3.3. To manufacturers of concentrated butter and final consumers

Up to the end of 1987, 34 500 tonnes of butter from public stocks were sold at reduced prices to manufacturers of concentrated butter, which is cooking butter with a fat content of between 96 and 99.8% (7). In comparison, ordinary salted or unsalted butter contains only 80-83% fat.

Occasional sales of intervention butter for private consumption have been organized in the past (Christmas butter). Such sales are limited by the quantities of butter held in public stocks, and the last ones were held in 1984-85.

The low level of public butter stocks has led to the stopping of reduced-price sales of intervention butter for the manufacture of pastry products and ice-cream.
However, these two sectors can still obtain Community aid for purchases of market butter at reduced prices.
When intervention butter stocks fall to around 50 000 tonnes, they are reserved exclusively for the free food programme and food aid.

3.4. Butter consumption aids

Such aid is targeted at all private consumers, i.e. individuals, hotels, restaurants, clinics, homes, boarding schools and other establishments.

Initially, it helped to support butter consumption in the United Kingdom, Ireland and Denmark following their accession to the European Community, providing partial compensation for the increase in consumer prices as a result of their no longer being able to obtain supplies on the world market.

Since then, Luxembourg has also given such aid.

Over the years butter consumption aid has gradually been reduced. Since 1985 it has been authorized only when financed by the Member State concerned (8). Only Ireland and Luxembourg have continued to grant it.

3.5. Distribution of milk in schools

The Community grants aid amounting to 125% of the target price of milk (price which the common organization of the market aims to guarantee to producers during the period in question). The aid is paid to the distributors who sell the milk to the schools (9).

Almost 30 million primary and secondary school children benefit from the distribution of whole milk, semi-skimmed milk, yoghurt, etc.

Milk supplies to schools during the 1989-90 season are expected to exceed 450 000 tonnes. The total cost of the operation is estimated at 156 million ECU. All Member States have put this Regulation into practice.

3.6. "Free food" programmes

As a result of the particularly severe weather conditions during the 1986-87 winter, the Community authorities launched an emergency aid programme starting in January 1987 to provide free food to the most deprived persons in the Community (10).

Organizations designated by the Member States organized the local distribution of food provided by the Community. This food either:

- was available directly from public intervention stocks (beef and veal, butter, fish, fruit and vegetables)

- needed processing or packaging (olive oil, flour, semolina, sugar)

- was taken directly from the market (fresh butter, yoghurt, cheese, milk).

This emergency programme was extremely successful.
In 1987 the UK was the main beneficiary of these food supplies (45% of expenditure), followed by the Federal Republic of Germany (17%), France (15%), Spain (10%), Italy (6%), and Ireland (5%). Supplies to other Member States were less than 5% of programme expenditure. The total cost (including packaging and distribution) amounted to 168 million ECU.

The particularly urgent need for this distribution programme took the Community authorities by surprise, and the Council therefore decided to adopt and improve distribution procedures by drawing up an annual supply plan broken down by Member State. On 14 December 1987, the Commission decided that distribution programmes in 1988 should not exceed a total product value of 100 million ECU, including administration and transport costs, so that the programme could start as soon as possible. In 1989, the Twelve decided to increase the value of food to be given to the most deprived persons in the Community to 150 million ECU (11).

II. PROTECTION OF HEALTH AND THE ENVIRONMENT

Modern methods of producing, processing and marketing agricultural products and foodstuffs involve substances which can have harmful effects on consumers' health. The European Community has introduced very detailed legislation, covering two phases:

- production (1)
- processing and marketing (2).

1. Agricultural production stage

The Community is preparing or has adopted legislation on:

- the marketing and use of plant protection products (1.1)
- the fixing of maximum levels of pesticide residues in agricultural products, particularly (1.2):
  * cereals
  * fruit and vegetables
  * foodstuffs of animal origin
- animal feedingstuffs (1.3)
- the use of veterinary medicinal products (1.4)
- control of various residues in products of animal origin (1.5)
- control of diseases which can be transmitted to humans (1.6)
- radioactive contamination of agricultural products (1.7).

1.1. Marketing of plant protection products

Crop yields and quality regularly suffer as a result of harmful organisms and weeds. Herbicides, pesticides, substances used to treat crop diseases, viruses and micro-organisms used for integrated pest control all help to provide protection for crops.

However, plant protection products do not just have positive effects on crop production; as they usually consist of toxic substances, they can also be a hazard to both man and the environment.

Most Member States have introduced legislation on the authorization and approval of plant protection products. However, the requirements laid down by each Member State need to be brought into line in order to have standardized rules throughout the Community and ensure that only products which do not have harmful effects are used.

In February 1989 the Commission therefore presented a proposal concerning the marketing of plant protection products, aimed at harmonizing authorization criteria and removing the barriers to the free movement of plant protection products (12).
The proposed Directive will supplement the Directive in force since 1979, which prohibits the placing on the market and use of plant protection products containing certain active substances (13).

Since 1979 active substances which have or may have harmful effects on the health of persons or animals or unacceptable effects on the environment have been banned at Community level. These active substances are listed in an annex to the Directive.

1.2. Pesticide residues in agricultural products

Since 1976 Community legislation has laid down maximum levels for pesticide residues on and in agricultural products. The legislation covers:

- fruit and vegetables (14)
- cereals (15)
- foodstuffs of animal origin (16).

The purpose of these Directives is to provide consumers with a guarantee that agricultural products enjoying free movement within the Community are not harmful. The Member States may block or ban, within their territories, trade in agricultural products containing more than the authorized pesticide residue limits. The national authorities carry out official controls by collecting and analysing samples.

In February 1989 the Commission presented a proposal for a Council Regulation on the fixing of maximum levels for pesticide residues in and on certain products of crop origin. The aim of this proposal is to strengthen the rules laid down by the Directive on fruit and vegetables by making the maximum levels compulsory throughout the Community. At the moment the Member States are able, if they consider it justified, to authorize the entry into free circulation within their own territories of products containing levels higher than the limits.

The proposal also extends the list of crop products covered and requires both wholesalers and retailers to specify any post-harvest treatment with pesticides in the product labelling (17).

1.3. Animal feedingstuffs

The quality of foodstuffs of animal origin depends to a large extent on that of the feedingstuffs consumed by the animals. The nature of the ingredients used to make animal feedingstuffs can play a decisive role in the wholesomeness and organoleptic qualities of livestock products.

Consequently, the Community was very quick to adopt very detailed legislation on animal feedingstuffs, covering additives, undesirable substances and products, straight and compound feedingstuffs, bioproteins and control methods. Community legislation applies to feedingstuffs for both livestock (cattle, poultry, fish) and pets (cats, dogs, etc).

1.3.1. Additives

In 1970 the Council laid down the conditions which additives (substances incorporated into animal feedingstuffs or preparations) must meet to be authorized in the Community. These conditions are as follows:

- additives must not harm animals, humans or the environment;

- the effectiveness of the substance in improving feedingstuffs or animal production must be proved;

- the additive must have no adverse effects on the quality of livestock products;

- it must be possible to monitor the product in feedingstuffs (means of identification).

Authorized additives are listed in categories: preservatives, emulsifiers, binders, growth factors including antibiotics, etc. They may only be used in feedingstuffs in accordance with the specified conditions for use (animal species or category, maximum age of animal, minimum and maximum doses, recommendations for use, etc).

To facilitate official controls and guarantee correct use, rules have been laid down for the labelling of additives, additive mixtures and feedingstuffs containing the substances or preparations in question (18).

As in many other highly technical fields, the Council has entrusted the Commission with the task of adapting the annexes to developments in scientific knowledge through a procedure which enables the Member States to ensure that the provisions of the Directive are applied correctly (regulatory committee).

In 1987, to ensure that all these conditions are complied with, the Council adopted guidelines which the Member States have to follow when officially submitting dossiers on additives. The studies which have to be carried out to allow the various effects of additives to be assessed are also described (19).

1.3.2. Undesirable substances and products

Raw materials used to make animal feedingstuffs may contain, naturally or as a result of contamination, substances which are highly undesirable from the point of view of the animal or the consumer of livestock products. In 1974 the Council therefore adopted a Directive banning or limiting certain substances regarded as dangerous (20).

The substances covered by the Directive include heavy metals (lead, mercury, arsenic), certain mycotoxins and alkaloids, and the residues of various pesticides found in crops.

As in the case of additives, the Commission is responsible for adapting the Directive annexes to advances in scientific knowledge. The Member States also have the right to introduce national measures on a provisional basis if they consider that a substance presents a danger to animal or human health.

One interesting aspect of the Community legislation is that it sets up, at raw material trade level, a system for providing the Member States with rapid information should a batch presented for import into the Community be found to exceed the limits.

1.3.3. Prevention of microbial contamination

The Commission has presented to the Council a proposal for a regulation laying down the veterinary rules for the disposal and processing of animal waste, its placing on the market and the prevention of pathogens in feedingstuffs.

(4)

One of the requirements set out in the proposal is that feedingstuffs manufacturers must take all the necessary steps to avoid the microbial contamination of their products (21).

Manufacturers will also be required to carry out microbiological controls.

1.3.4. Straight and compound feedingstuffs

As with additives, the choice of raw materials, i.e. products of animal or crop origin used to make animal feedingstuffs, plays a decisive role in the productivity of the holding and the quality of animal products.

To help the farmer make his choice on the basis of the properties of the feedingstuffs on offer, two Directives lay down the rules for the labelling of straight and compound feedingstuffs (22 and 23 respectively).

The labelling of straight feedingstuffs must provide information on the levels of the substances which largely determine quality (protein, oil, fat, sugar, etc).

Furthermore, early in 1990 the Council adopted a Directive providing for full harmonization of the labelling requirements in respect of information on the analytical constituents (protein, cellulose, etc) and, above all, the ingredients of feedingstuffs. The latter is regarded as very important by certain specialized breeders, for example, from the point of view of the production of special quality meats (24).

1.3.5. Bioproteins

Certain products used in animal nutrition are commonly referred to as "bioproteins". These products, which are manufactured by special processes to act as direct or indirect protein sources (yeasts, urea, amino acids, etc) are the subject of a specific Directive (25).

The Directive lays down a Community authorization procedure to ensure that products do not present a danger to human or animal health or to the environment and do not have an adverse affect on the quality of products of animal origin.

The rules and procedures for the authorization and labelling of products and feedingstuffs containing those products are very similar to those set out in the Directive on additives.

1.3.6. Controls

The introduction of Community rules on the quality and composition of animal feedingstuffs made it necessary to establish methods of sampling and analysis so that the Member States could carry out their official controls in the same manner and thus prevent discrepancies in assessment.

In 1970 the Council therefore adopted the principle that official controls must be conducted according to control methods laid down by Directives (26).

1.4. Veterinary medicinal products

Residues of veterinary medicinal products in foodstuffs can have harmful effects on consumers' health.

As a general rule, the sale of veterinary medicinal products is subject to specific authorization. All Member States have such requirements, but in many cases they differ on essential points.

In 1981, in order to achieve the same level of public health protection throughout the Community, the Council adopted a Directive subjecting marketing authorization to identical conditions in every Member State (27).

By virtue of this Directive, no veterinary medicinal product may be sold in a Member State unless it has been authorized by the competent national authority in that Member State. Veterinary medicinal products which have not been authorized may not be administered to animals.

The national authorities withhold marketing authorization if, after examination and analysis, it appears that:

- there is not sufficient guarantee that the product is harmless
- the product has no therapeutic effect, or proof of such effect is insufficient
- qualitative or quantitative composition is not as stated
- the withdrawal time between the last administration and the obtaining of foodstuffs from the animal as recommended by the manufacturer is considered insufficient.

The labelling of veterinary medicinal products must include the marketing authorization number, the animal species for which the product is intended, the method and route of administration, the withdrawal period and the expiry date.

In 1987 the Council adopted a Directive on the approximation of national measures relating to the placing on the market of high-technology medicinal products, including those derived from biotechnology, which were not covered by the 1981 Directive (28).

Another category of veterinary medicinal products, medicated feedingstuffs, was not covered by this Directive, and in 1981 the Commission presented a proposal concerning the manufacture and marketing of these products (29).

Since the initial Directive adopted in 1981, the Commission has drafted three proposals for further legislation on the subject (30).

The first proposal for a Council Regulation presented on 10 January 1989 sets out a Community procedure for fixing tolerances for residues of veterinary medicinal products.

The proposal states that no new veterinary medicinal products based on a new active principle not previously used in food-producing animals should be authorized for use in the Community unless a tolerance for residues of that substance has been established by the Community. It also contains provisions for establishing tolerances for substances already in current use, together with lists of substances authorized throughout the Community.

The second proposal for a Council Directive amends the 1981 Directive, defining a veterinary medicinal product as any medicinal product intended for animals, excluding substances or products intended to be administered to animals for nutritional purposes. This would exclude pharmaceutical products promoting growth from the authorization system. Community legislation already bans hormonal growth agents.

This proposal also requires the Member States to take all necessary measures to ensure that no person can keep under his or her control, without specific authorization, a substance likely to be used as a veterinary medicinal product. The national authorities are therefore required to draw up lists of producers, distributors and other persons authorized to be in possession of active substances capable of being used to make veterinary medicinal products which can only be obtained on a veterinarian's prescription. The lists of these medicinal products have to be forwarded to the Commission.

A section on the distribution of veterinary medicinal products has been added. Wholesalers require an authorization, and provision is made for checks on wholesalers and retailers at least once a year in order to compare their lists of incoming and outgoing products with those in stock.

The third proposal for a Directive extends the scope of the 1981 Directive to include immunological veterinary medicinal products.

1.5. Use of hormones

Three types of hormones are used in livestock production:

- natural or endogenous hormones; oestradiol and oestrone (oestrogen), testosterone (androgen), progesterone (gestogen);

- synthesized natural hormones (exogenous);

- substances with thyrostatic effect which inhibit secretion from the thyroid gland.

These hormones, or substances with hormonal activity, have an anobolic function; they stimulate the production of proteins, facilitate weight gain and speed up growth.

The use of hormones makes it possible to slaughter animals when they are too young to have developed all their organoleptic properties. This is said to be one of the reasons why hormone-treated meat loses a lot of water when it is cooked.

Hormones can also have an effect on human health. They cause certain cells to multiply and can therefore activate cancer cells or contribute to their formation. The absorption of hormones is said to lead to morphological changes especially in persons whose endogenous hormone production is low (children prior to puberty, women after the menopause).

There are two aspects to Community legislation on the subject:

- a ban or restriction on the use of certain substances with hormonal and thyrostatic effect

- monitoring of compliance with this legislation.

In 1981 the Council banned the use of certain hormones and substances with thyrostatic effect in stock farming (31).

Certain therapeutic uses were still permitted provided they were prescribed by a veterinarian.

The Council later adopted another Directive confirming the ban on the use of substances with anobolic effect for fattening purposes and laying down detailed rules in respect of their authorized use for therapeutic purposes. They must be administered by a veterinarian to an animal which has been properly identified, and the veterinarian must record the treatment (32).

The Community stamp is reserved solely for meat from untreated animals. Firms which manufacture substances with thyrostatic and hormonal effect or pharmaceutical and veterinary products made from such substances must keep a detailed register of quantities bought and sold.

The Member States also forbid the import from outside the Community of animals and meat from animals to which substances with thyrostatic or hormonal effect have been administered. An exception is made in the case of authorized therapeutic uses.

Several implementing texts have since been adopted, in particular a 1988 Directive which lays down rules for the marketing of animals and the meat of animals which have undergone authorized therapeutic treatment in controlled conditions (33).

In order to guarantee compliance with this legislation, compulsory checks are carried out at all points in the production chain, from the farm to the slaughterhouse (34).

The Member States have also drawn up national plans for the monitoring and surveillance of animals and their meat, on the basis of common criteria.

The frequency and method of testing for residues of inhibitory substances (antibiotics, sulphonamides, antimicrobial substances), veterinary medicinal products and contaminants (in feed or the environment) are also laid down. When a problem is identified, Member States are obliged to trace it to its source and apply sanctions (35).

All the Member States' plans have now been approved and are being applied.

The guarantees required of non-Community countries are (at least) equal to those demanded in respect of Community production.

Community legislation on hormones is being further strengthened by:

- the forthcoming designation of Community reference laboratories for the detection of residues in animals and meats (36)

- the adoption of common methods of analysis for residue testing (37)

- meetings of working groups to discuss methods of residue detection

- the forthcoming establishment of a list of substances and products which may be used in certain specific conditions (a provisional list has already been drawn up) (38).

1.6 Control of animal diseases which can be transmitted to humans either directly or through foodstuffs

Certain diseases and infections are transmitted naturally between vertebrates and man, either through direct contract between an infected animal and a person or through products of animal origin.

Since 1964 the Community has had standards aimed initially at restricting trade in animals affected by diseases which can be transmitted to humans, in particular brucellosis and tuberculosis (39).

In 1977 the Community introduced measures to irradicate brucellosis and tuberculosis in cattle (40). According to the Directive in question, Member States in which the cattle populations are infected with brucellosis or tuberculosis must draw up plans for accelerating the irradication of this disease in accordance with Community standards. The Community has helped finance these plans.

These measures have brought about a major improvement in the situation throughout the Community. The two diseases are now found only in the cattle populations of specific Member States.

On the other hand, there are other infections common to humans and animals where the causal organisms survive in certain environments and can spread via the food chain.

These include listeriosis and botulism, which can cause severe food poisoning.

The Commission is currently preparing draft legislation aimed at preventing these diseases and infections. This will entail:

a) Compulsory collection of statistical data on the incidence of these diseases in humans and animals by the Member States and forwarding of these data to the Commission;

b) Compulsory sampling to detect pathogenic agents in animals, animal feedingstuffs and products of animal origin;

c) Specific measures for certain organisms.
In the first instance a salmonella control programme for poultry breeding establishments will be proposed.

d) The legislation should also include the provisions of the "gentlemen's agreement" (informal agreement between the Member States) reached at the end of 1987 by the Standing Veterinary Committee, which provided for the rapid exchange of information in the event of detection of listeria monocytogenes in cheese. In this agreement the Member States undertook to set up control systems (sampling, analysis, reinforcing of hygiene measures in the event of detection, and withdrawal of one or more batches from the market where appropriate).

e) Community-level reference laboratories will be established to provide the necessary technical support.

1.7 What action does the Community take in the event of radioactive contamination of agricultural products?

The accident at the nuclear power plant at Chernobyl in the Soviet Union on 26 April 1986 caused radioactive substances to be dispersed into the atmosphere, contaminating agricultural products in several countries of Europe.

On 6 May 1986, the Commission recommended the Member States to coordinate

national measures relating to controls and bans on the marketing of contaminated agricultural products and proposed common maximum radioactivity tolerances for milk, milk products, fruit and vegetables (41).

On 30 May 1986 the Council adopted a Regulation on the maximum contamination levels for agricultural products to be imported into the Community (42).

This Regulation, which replaced the total bans on imports of certain agricultural products from the Soviet Union and other eastern European countries, was extended until the end of March 1990 (43).

On 22 December 1987 the Council established the procedure to be followed by adopting of a Regulation laying down maximum permitted levels of radioactive contamination of foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency.

When the Commission receives information that the maximum permissible levels are likely to be reached or have been exceeded, it must immediately adopt a Regulation rendering applicable those maximum permissible levels. This means that these maximum levels, which cannot be reached under normal circumstances, apply only in the event of a nuclear accident. The period of validity of such a Regulation must not exceed three months, and the Regulation must be replaced within this period by a Council Regulation adapting or confirming the provisions of the Commission Regulation. The Member States are responsible for carrying out checks to ensure compliance with radioactivity limits. Foodstuffs and feedingstuffs contaminated by more than the authorized becquerel levels may not be placed on the market (44).

TABLE 6

	Baby foods	Milk products	Other foodstuffs except minor foodstuffs	Liquid foodstuffs
Isotopes of strontium, particularly Sr-90	75	125	750	125
Isotopes of iodine, particularly I-131	150	500	2 000	500
Alpha-emitting isotopes of plutonium and transplutonium elements, particularly Pu-239 and Am-241	1	20	80	20
All other nuclides with a half-life greater than 10 days, particularly Cs-134 and Cs-137	400	1 000	1 250	1 000

In July 1989, the Council adopted a Regulation prohibiting the export of foodstuffs and feedingstuffs in which contamination exceeds the maximum permitted levels. Such products can no longer be considered to be of "sound and fair merchantable quality" and therefore cannot benefit from intervention measures under agricultural legislation (45).

On 12 April 1989 a Regulation was adopted, according to which the maximum permitted levels of radioactive contamination in minor foodstuffs are ten times those laid down by the 1987 Regulation. The Annex lists the foodstuffs considered to be of minor importance, the main ones being garlic, truffles, capers, certain spices and flours, gums, caviare, yeasts, etc. (46).

2. Processing and marketing stages

As far as the processing and marketing of agricultural products are concerned, Community legislation aimed at protecting consumer health covers the following areas:

- Additives in foodstuffs (2.1)
- Treatment processes (2.2)
- Materials intended to come into contact with foodstuffs (2.3)

In order to reconcile the need for free movement of foodstuffs with the need to protect public health, health rules have been proposed for a whole series of products of animal origin:

- Fresh meat (2.4.1)
- Poultrymeat (2.4.2)
- Game and rabbit meat (2.4.3)
- Products and preparations based on meat and minced meat (2.4.4)
- Heat-treated milk (2.4.5)
- Raw milk and milk-based products (2.4.6)
- Molluscs and fishery products (2.4.7)
- Egg products (2.4.8)

Compliance with veterinary legislation is checked:

- in intra-Community trade (2.5.1)
- in imports (2.5.2)
- through veterinary inspection (2.5.3)

2.1. Foodstuffs additives

Additives are substances added to foodstuffs to improve, conserve or alter their durability, texture (structure and binding capacity), stability (emulsifiers and stabilizers), colour, aroma or taste. Additives are not necessarily synthesized chemical substances - in some cases they are extracted from natural raw materials.

The additives authorized by Community legislation are classified in various categories depending on how they are used. Each authorized substance is given an E-number. The categories are as follows:

- preservatives (E200-E299), which are added to foodstuffs to prevent deterioration caused by micro-organisms (47);

- flavourings, which are all products, substances or preparations intended to impart odour or taste (48);

- emulsifiers, stabilizers, thickeners and gelling agents (E400-E499):
  emulsifiers and stabilizers provide or maintain a uniform dispersion of two or more immiscible substances; thickeners increase the viscocity of a foodstuff, and gelling agents give it the consistency of a gel (49);

- colouring matters, which colour the surface or substance of foodstuffs (50);

- antioxidants (E300-E399), which are added to foodstuffs to prevent deterioration caused by oxidation or to avoid colour changes (51 and 52).

The consumer protection provisions contained in the various Directives and covering all additives are identical:

- a list of authorized agents and conditions for use;

- general purity criteria: not more than 3 mg/kg arsenic, 10 mg/kg lead, 50 mg/kg copper and zinc taken together, no measurable traces of elements which are dangerous from the point of view of toxicology (particularly other heavy metals);

- specific purity criteria, in some cases with maximum levels.

The Member States ensure that purity criteria are complied with in their territories. If an additive presents a danger to human health, a Member State is entitled to suspend its authorization for a certain period, informing the Commission and other Member States of its action.

All the original Directives containing lists of authorized additives and purity criteria have been amended on several occasions to take account of new additives which have appeared on the market as well as the results of studies and analyses. Some substances have been added to the lists, others have been deleted.

In December 1988 a new Directive laying down general rules on additives laid the foundations for lists of authorized additives by specifying the feedingstuffs to which each one may be added, together with the conditions of use. It provides for the drafting of an overall Directive including the existing specific Directives on certain additive categories. (53)

2.2. Treatment processes

This section looks at two processes which have become important as a result of scientific and technological process:

- quick-freezing (2.2.1)
- irradiation (2.2.2)

2.2.1. Quick-freezing temperatures

The purpose of quick-freezing is to retain the intrinsic characteristics of foodstuffs. A 1989 Directive states that it is necessary to achieve a temperature of -18°C or lower throughout the product. This temperature must be maintained until the product is put on sale to the final consumer.

Raw materials used to make quick-frozen foodstuffs must be of sound and fair merchantable quality and must be of the required degree of freshness. Preparation and quick-freezing of products must be carried out promptly, using appropriate technical equipment, in order to limit chemical, biochemical and microbiological changes to a minimum.

The temperature of foodstuffs must be stable and maintained at -18°C, possibly with brief upward fluctuations of up to 3°C during transport and 6°C in retail display cabinets.

Quick-frozen foods must be packed in pre-packaging which protects them from external microbial contamination and drying. The product labelling must state that the product is quick-frozen, the period during which it may be stored, the storage temperature and the type of storage equipment required. The packaging must also bear a message of the type "Do not refreeze after defrosting".

The Member States may carry out spot-checks of the temperatures of quick-frozen foodstuffs. (54)

2.2.2. Not all foodstuffs can be irradiated

Irradiation is a new conservation method. Foodstuffs are exposed to gamma rays, X-rays or electrons in a special room and for a specific period of time. The irradiated product is completely disinfected of all parasites (insects, larvae, eggs, etc). By interfering with biochemical processes, irradiation prevents germination (potatoes, onions, etc) and delays growth and ripening (mushrooms, fruits).

However, irradiation causes a loss of taste and affects the texture and colour of some more sensitive products.

By destroying bacteria, irradiation protects the consumer against the most serious health risk, microbiological contamination. Correctly applied, it also generates fewer harmful by-products than other processes. However, regular consumption of irradiated foodstuffs is likely to cause significant nutritional deficiencies, and irradiation could increase the incidence of food poisoning by eliminating the organisms which cause the deterioration in the taste or smell of food that has gone bad. Furthermore, irradiation gets rid of bacteria, but not the toxic substances which they have produced, and as the health authorities base their controls primarily on bacteria counts, it is possible that last-minute irradiation could be used to hide the fact that foodstuffs have gone off. This practice is contrary to WHO recommendations, but this does not stop some firms applying it. For example, in 1986 a UK firm admitted having broken the law by importing into the United Kingdom prawns from Malaysia which had been irradiated in the Netherlands after having failed a UK quality inspection. Finally, a correlation between the consumption of irradiated foodstuffs and certain chromosome abnormalities has been identified.

A proposal for a Council Directive presented in 1988 identifies the foodstuffs which can be treated by ionization and specifies the maximum irradiation doses. (55)

Foodstuffs which can be treated by ionization and maximum irradiation doses

FOODSTUFFS	MAXIMUM OVERALL AVERAGE RADIATION DOSE (kGy)
1. Dried fruits	1
2. Pulses	1
3. Dehydrated vegetables	10
4. Cereal flakes	1
5. Dried aromatic herbs, spices and vegetable seasonings	10
6. Prepared prawns	3
7. De-boned poultrymeat	7
8. Arabic gum	10

Conditions for the approval of food irradiation:

. Irradiation of foodstuffs can be approved only if:

- it is technologically necessary;
- it does not present a risk to consumer health if carried out in accordance with the proposed conditions;
- it benefits consumers;
- it is not used merely as an alternative to observing health rules, good manufacturing practices or agricultural processes.

. Irradiation of foodstuffs must be used only for one of the following purposes:

- reduction of the incidence of food-related diseases by destroying pathogenic organisms;
- reduction of food wastage by delaying or arresting decomposition and destroying the organisms responsible for decomposition;
- reduction of wastage due to premature ripening or germination;
- elimination from foodstuffs of harmful organisms which may be found in crops and primary processed products.

The proposal for a Directive requires irradiated foodstuffs to be marked so as to ensure the correct labelling of end products for which they are used as ingredients.

2.3. Materials intended to come into contact with foodstuffs

A framework Directive adopted in 1976 deals with the use of materials and articles which, as finished products, are intended to come into contact with foodstuffs (56). Covering or coating substances, such as those covering cheese rinds, prepared meat products or fruit, which form part of foodstuffs, are not subject to this Directive.
Materials coming into contact with foodstuffs must not endanger human health nor bring about an unacceptable change in the composition of the foodstuffs or a deterioration in their characteristics.

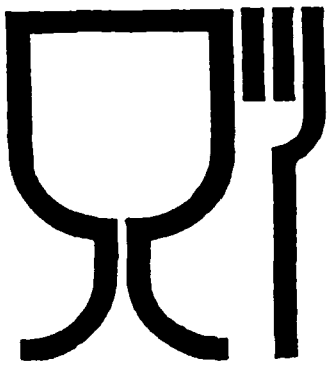
Materials and articles not yet in contact with foodstuffs must, when placed on the market, be marked as follows:

a) the words "for food use";

b) any special conditions to be observed;

c) the name or trade name and address or registered office or the registered trade mark of the manufacturer or processer.

In 1980 a second Directive introduced a symbol to show that a product meets the criteria laid down in the previous Community Directive (57). This symbol, which has been in use since 1 January 1981, may replace the mention "for food use".



In 1988 the Council adopted a further Directive incorporating most of the 1976 provisions and entrusting the Commission with the task of adopting all the necessary implementing Directives, in particular the drawing up of lists of authorized materials (plastics, regenerated cellulose, elastomers and rubber, paper and board, ceramics, glass, metal and alloys, wood including cork, textile products, paraffin waxes and micro-crystalline waxes). (58) Since then a first implementing Directive has been adopted by the Commission containing a list of plastics authorized to come into contact with foodstuffs, whether as packaging, kitchen utensils, or machinery and instruments used to manufacture foodstuffs, etc. (59)

2.4. Health rules for foodstuffs of animal origin

General principles have been drawn up for all products of animal origin destined for human consumption. These principles apply to all stages of production. (60)

Procedures for close cooperation and the clear division of responsibilities between manufacturers, national authorities and the Commission have been proposed. For example, batches of products regarded as liable to present a public health risk will be withdrawn from the market and, where appropriate, destroyed.

An information system and monitoring programmes relating to specific problems will be set up.

2.4.1. Fresh meat

Since 1964 the Community has had rules on intra-Community trade in fresh meat (61).

The Directive in question, aimed at facilitating trade in fresh meat under the Common Agricultural Policy, contains rules designed to guarantee a high level of health protection for consumers. It lays down conditions for the approval of slaughterhouses, cutting plants and cold storage establishments, hygiene requirements during slaughter, cutting and storage, animal health inspection before and after slaughter, and stamping, packing and transport of fresh meat to be exported to another Member State.

The rules on animal controls before and after slaughtering and on the inspection of hygiene conditions during slaughter and cutting were extended on 15 June 1988 to cover all fresh meat produced in the Community (62).

This means that fresh meat to be sold on the domestic market of the producing country must also comply with requirements. This new Directive will enter into force on 1 January 1991.

On 1 February 1990 the Commission presented a proposal containing health rules for the production and placing on the market of fresh meat (63). This proposal, part of the measures to facilitate completion of the internal market, requires all establishments in the Community which are concerned with fresh meat to comply with all the rules introduced in 1964 - with a number of exemptions for small establishments with limited production.

2.4.2. Poultrymeat

In 1971 the Council of the European Communities adopted a Directive on health problems affecting trade in fresh poultrymeat (64).

This Directive applies to both national production and intra-Community trade, though important exemptions were granted to establishments serving the national markets to allow them to take account of specific problems such as irradiation, the addition of foreign substances to fresh meat and trade in undrawn or partly drawn chickens.

The Directive sets out the conditions for the approval of slaughterhouses and cutting plants, hygiene and animal health inspection requirements before and after slaughter, and requirements relating to refrigeration, packaging and transport.

On 5 February 1990 the Commission presented a proposal for a Regulation introducing certain technical amendments and extending the scope of the legislation to cover marketing (65).

2.4.3. Game and rabbit meat

On 30 October 1989, in order to ensure that all fresh meat was covered, the Commission presented a proposal for a Council Regulation on game and rabbit meat. (66)

2.4.4. Products and preparations based on meat and minced meat

Fresh meat is either consumed as such or processed into meat products.

Community veterinary legislation classifies processed products in the following categories:

minced meat, where mincing the fresh meat is the only processing operation;

meat products where processing is such that the product surface no longer has the characteristics of fresh meat;

meat preparations, where processing differs from meat product processing or where other foodstuffs, seasonings or additives are added to fresh or minced meat.

Intra-Community trade in meat products is governed by a Council Directive dating from 1976 (67), which sets out the general conditions for the approval of establishments, hygiene requirements for staff, equipment and instruments in establishments, and requirements for fresh meat to be used for the manufacture of meat products, production control, wrapping and packaging of meat products, marking and labelling, health certificates, storage and transport.

There are also special conditions relating to meat products in hermetically sealed packaging or for the preparation of ready meals.

Specific requirements for the production and intra-Community trade in minced meat, meat in pieces of less than 100 grammes and meat preparations will enter into force on 1 January 1992 (68).

On 1 February 1990 the Commission presented two proposals for additional Regulations to complete legislation on minced meat, meat preparations and meat products (69 and 70).

2.4.5. Heat-treated milk

Since 1 January 1989 all Community dairies have had to comply with health requirements for heat-treated milk (pasteurized, UHT and sterilized milk) (71). As it stands, the Directive lays down the production conditions for these three product categories as follows:

Pasteurized milk: milk heated to at least 71.7°C for 15 seconds, or any equivalent combination.

UHT milk: milk heated to 135°C for not less than 1 second.

Sterilized milk: milk which has been heated and sterilized in hermetically sealed packagings or containers.

The Member States must ensure that only heat-treated milk which satisfies these conditions is exported to another Member State. Dairy cows must belong to a herd which is free from tuberculosis and brucellosis. The competent national authorities must carry out regular checks on livestock and on whether the hygiene requirements relating to production establishments are met.

Milk may be collected, standardized and treated only in approved collection and standardization centres and in treatment establishments which are monitored by the Member State. The Directive sets out the health requirements for each phase of milk production, processing, marketing and transport. Both untreated and heat-treated milk are analysed and checked by approved establishments under the supervision and responsibility of the national authorities.

The purpose of these checks is to ensure that production and processing conditions are complied with and that residues of substances which have a pharmacological or hormonal effect, or of antibiotics, pesticides, detergents or other substances which are likely to affect the organoleptic qualities of the milk or make its consumption harmful to human health, do not exceed the permitted tolerance limits. If this is not the case, heat-treated milk may not be exported to another Member State and will not be granted a health certificate.

A draft Council Regulation extending the above provisions to all Community production is currently being prepared by the Commission.

2.4.6. Raw milk and milk-based products

A proposal for a Regulation presented in January 1990 calls for the health rules which up to now have covered only heat-treated milk to be applied to the entire milk sector (72). Eventually, health requirements will be the same for all milk produced in the Community for human consumption, whatever the processing method.

The proposal sets out microbiological standards which will have to be met by certain milk-based products. These standards impose a duty to achieve specified results.

Production, processing and marketing conditions will be subject to regular checks, which should ensure the wholesomeness and free movement of milk-based products in the Community.

2.4.7. Molluscs and fishery products

In January 1990 the Commission presented to the Council two proposals for Regulations to harmonize the health conditions for the production and placing on the market of fishery products (73) and live bivalve molluscs (mussels, oysters, etc) (74). In order to guarantee consumer safety, the proposals lay down standards for both premises and equipment etc on the one hand and products on the other hand.

The former include conditions for the approval of production, preparation and processing establishments, specific conditions relating to fresh, frozen, salted, smoked and preserved products etc, and checking arrangements for ensuring that these conditions are complied with.

Obligations in respect of products consist of the health criteria which products must fulfil to be placed on the market. These criteria may be chemical, toxicological or microbiological in nature. It is up to the industry to ensure, under the supervision of the national authorities, that the products they manufacture and place on the market comply with requirements.

A quick and flexible procedure will allow the Commission to amend existing or adopt new criteria and to specify analysis and sampling methods. The same procedure will be applied to determine the conditions applicable to imports from non-Community countries, as a function of how closely their monitoring procedures correspond to those of the Community.

The health quality of bivalve molluscs is largely dependent upon the quality of the water in which they are bred and harvested. Natural contamination by toxic algae or plankton and contamination by man-made pollution must both be monitored by the competent national authorities. Depending on the nature of contaminants, molluscs must be submitted to an approved purification process before being placed on the market.

2.4.8. Egg products

Egg products are products for human consumption obtained from eggs, their various components or mixtures thereof, after removal of the shell and membranes. They may be partially supplemented by other foodstuffs or additives and may be liquid, concentrated, dried, crystallized, frozen, quick-frozen or coagulated.

A Directive adopted in 1989 deals with the health problems affecting the production and placing on the market of egg products for human consumption or the manufacture of foodstuffs. (75)

The Member States must comply with the same standards for the manufacture, processing, handling, packaging, storage and transport of egg products. Establishments are subject to supervision by the competent authority.

2.5. Animal product controls

The system of veterinary controls for most products of animal origin has been completely reorganized in view of the completion of the single market.

2.5.1. Controls in intra-Community trade

According to a Directive adopted in 1989, veterinary checks at borders will be abolished. Checks at origin will be reinforced and spot-checks may be carried out at the place of destination or during transport if fraud is suspected. (76)

2.5.2. Imports from outside the Community

The general rule applied in veterinary legislation is that the Member States may not grant non-Community countries more favourable conditions than those which apply to intra-Community trade.

Community rules for certain products which are particularly important in terms of world trade, e.g. meat and meat products, were adopted on 12 December 1972 in the form of a Directive on health and veterinary inspection problems upon importation of bovine animals, swine, fresh meat and meat products from non-Community countries. (77)

According to this Directive, bovine animals, swine, fresh meat and meat products may be imported only from countries or parts of countries which appear in a list fixed by Council Decision. (78)

The non-Community countries concerned are therefore required to apply residue identification measures equivalent to those applied by the Member States.

Establishments which produce meat and meat products and comply with the requirements applicable within the Community are entered in Community lists. (Directive 64/433/EEC and Decision 79/542/EEC).

Fresh meat and meat products from non-Community countries must pass a veterinary inspection in the Community before being released for consumption.

The Commission is drawing up legislation to extend this system to all imports of products of animal origin.

2.5.3. Veterinary inspection

The Commission's veterinary inspectors visit non-Community countries to ensure that the Community's public health and animal health regulations are complied with. In particular, before a non-Community country is authorized to export fresh meat or live animals to the Community, checks must be carried out to ensure that the animal health situation, the notification system and veterinary controls there guarantee sufficient protection for the Community's livestock and citizens.

Guarantees that hormones are not used and the application of hormone residue identification measures are also required. Before being authorized to export to the Community, establishments are checked to ensure that they comply with the Directives laying down health and hygiene rules in the EEC.

Whilst the competent national authorities apply Community veterinary legislation in their own territory, the Commission each year inspects a number of approved fresh meat production establishments to ensure that the Community Directives are being properly applied.

III. QUALITY

Quality is a very subjective concept. There are no generally accepted criteria. Every consumer and every Member State may have and indeed has a different idea of quality. Objective criteria permitting a definition are few and difficult to assess. Quality has been defined as all the properties and characteristics of a product which allow it to satisfy specified or implicit requirements.
The quality of a food product is the sum of several factors, i.e. its physical appearance (colour, size, freshness) and its specific characteristics.

Since 1962 the Community has had very detailed quality standards for agricultural products. These are described in the first sub-chapter (1).

In recent years certain changes in consumers' eating habits have been noted. Now that general requirements are met by the large variety of products found on the market, consumers have begun to look for products with very specific qualities. More and more people are interested in special organoleptic properties and production methods, and there is an increasing demand for clear information on these aspects and, where applicable, the geographical origin of products. This desire reflects both the unquestionable need for adequate information and - following a number of unfortunate experiences - a certain mistrust in respect of unfair practices and imitations.

This trend among consumers calls for a suitable reaction from producers, particularly in agriculture. In its report entitled "The future of rural society" (79), the Commission, with a view to supporting these producers, expressed its intention to protect designations of origin, regulate the use of "labels", and draw up a system to provide protection for organically grown products. These questions will be discussed in more detail in the relevant sub-chapter (2).

The need for free movement of foodstuffs also poses the problem of designations used to identify the major consumer products (e.g. milk, durum wheat pasta, cooked pork meats, cured meat products). The following sub-chapter then deals with the special problem of reserved descriptions (3).

1. Quality standards for agricultural products

In the context of the Common Agricultural Policy the Commission has always been in favour of promoting high-quality production, arguing that this is the best way to guarantee outlets for Community agricultural production. Market organization provisions include quality standards for several products (fresh fruit and vegetables, eggs, wine), and the Commission has also organized quality promotion campaigns for products such as milk and olive oil.

1.1. Fresh fruit and vegetables

In 1962 Community legislation began to be concerned with customer demands. One of the first agricultural Regulations stated that "application of standards should have the effect of keeping products of unsatisfactory quality off the market, guiding production to meet consumers' requirements, and facilitating trade relations based on fair competition..." (80)

Since then the Community has adopted extensive legislation covering the following products: apricots, citrus fruit, artichokes, asparagus, aubergines, garlic, carrots, ribbed celery, cherries, kiwi fruit, Witloof chicory (endives), cauliflowers, headed cabbages, Brussels sprouts, cucumbers, courgettes, spinach, peaches, leeks, peas, apples, pears, plums, table grapes and tomatoes. (81)

For each of these products a Regulation sets out the common characteristics representing the minimum quality standards which they must comply with to be marketed and graded in the classes "Extra", I, II and III.

The Regulations also include:

- a product definition
- sizes
- tolerances
- packaging and presentation requirements.

Packaging must ensure adequate protection of the product. Paper or other materials used inside the wrapping must be new and must not be harmful to food intended for human consumption. Any printed information must be restricted to the external surface, so that it does not come into contact with the products. Packed products must be free from all foreign bodies.

Each package must be marked on the outside with the following information in easily readable and indelible lettering:

A. Identification
   Packer
   Dispatcher Name and address or code mark

B. Nature of the product
   Name of the product
   Name of the variety for the classes "Extra" and "I" of certain fruits or vegetables

C. Origin of produce
   Production area or national, regional or local designation

D. Commercial specifications
   Class
   Size or number of pieces (except for bulk products in containers)

E. Official control mark (optional).

The Community has created a committee of national experts to draw up standards. In many cases these experts can also monitor the application of these standards in their own countries.

In 1969 the Council adopted a Regulation on the application of quality standards to fruit and vegetables marketed within the Community. (82)

Under this Regulation, official inspectors issue a certificate of inspection to batches of fruit and vegetables which satisfy quality standards. In 1980 a Regulation established a list, which has since been amended on several occasions, of agencies responsible for performing checks in the Member States. (83)

These agencies ensure that cases of non-compliance are immediately reported to the supplying Member State. Each month they send to the Commission a summary of the checks carried out during the previous month.

In 1985, in order to reinforce quality standard controls, the Council adopted a Regulation allowing the Commission to carry out inspections together with officials of the Member State concerned. (84)

In 1988 the Council adopted new rules authorizing marketing of Class III products only in exceptional circumstances, in particular if there is a shortage in the Community, or to take account of the need for producers to adjust to a standard for a new product or to take account of a product's specific characteristics during part or all of the marketing year. Today Class III is used only for Witloof chicory and asparagus. (85)

LIST OF REGULATIONS ON STANDARDIZED PRODUCTS

Product	Regulations
Apricots	23 of 4 April 1962, OJ 30, 20.4.1962
Citrus fruit	920/89 of 10 April 1989, OJ L 97, 11.4.1989
Artichokes	58 of 15 June 1962, OJ 56, 7.7.1962
Asparagus	183/64 of 17 November 1964, OJ 192, 25.11.1964 921/71 of 4 May 1971, OJ L 100, 5.5.1971 1194/89 of 26 June 1969, OJ L 157, 28.6.1969
Aubergines	1292/81, OJ L 129, 15.5.1981
Garlic	10/65 of 26 January 1965, OJ 19, 5.2.1965 918/78 of 2 May 1978, OJ L 119, 3.5.1978
Carrots	920/89 of 10 April 1989, OJ L 97, 11.4.1989
Ribbed celery	1591/87 of 5 June 1987, OJ L 146, 6.6.1987
Cherries	899/87 of 30 March 1987, OJ L 88, 31.3.1987
Witloof chicory	2213/83 of 28 July 1983, OJ L 213, 4.8.1984
Cauliflowers	23 of 4 April 1962, OJ 30, 20.4.1962 211/66 of 14 December 1966, OJ L, 20.12.1966
Headed cabbages	1591/87 of 5 June 1987, OJ L 146, 6.6.1987
Brussels sprouts	1591/87 of 5 June 1987, OJ L 146, 6.6.1987
Cucumbers	1677/88 of 15 June 1988, OJ L 150, 16.6.1988
Courgettes	1292/81, OJ L 129, 15.5.1981
Spinach	1591/87 of 5 June 1987, OJ L 146, 6.6.1987
Strawberries	899/87 of 30 March 1987, OJ L 88, 31.3.1987 3594/89 of 30 November 1989, OJ L 350, 1.12.1989
Beans	58 of 15 June 1962, OJ 56, 7.7.1962
Kiwi fruit	410 of 16 February 1990, OJ L 43, 17.2.1990

Product	Regulations
Lettuces, curled-leaved endives, broad-leaved (Batavian) endives	79/88 of 13 January 1988, OJ L 10, 14.1.1988
Onions	2213/83 of 28 July 1983, OJ L 213, 4.8.1983 1654/87 of 12 June 1987, OJ L 153, 13.6.1987
Peaches	23 of 4 April 1962, OJ 30, 20.4.1962 51/65 of 1 April 1965, OJ 55, 3.4.1965 846/76 of 9 April 1976, OJ L 96, 10.4.1976 211/66 of 14 December 1966, OJ 233, 20.12.1966 1129/86 of 19 April 1986, OJ L 102, 19.4.1986
Leeks	1076/89 of 26 April 1989, OJ L 114, 27.4.1989
Peas	58 of 15 June 1962, OJ 56, 7.7.1962
Sweet peppers	79/88 of 13 January 1988, OJ L 10, 14.1.1988
Apples and pears	920/89 of 10 April 1989, OJ L 97, 11.4.1989 3375/89 of 9 November 1989, OJ L 325, 10.11.1989 421/90 of 19 February 1990, OJ L 44, 20.2.1990 487/90 of 27 February 1990, OJ L 52, 28.2.1990
Plums	1591/87 of 5 June 1987, OJ L 146, 6.6.1987
Table grapes	1730 of 22 June 1987, OJ L 163, 23.6.1987
Tomatoes	778/83 of 30 March 1983, OJ L 86, 31.3.1983 408/90 of 16 February 1990, OJ L 43, 17.2.1990

1.2. Eggs

An EEC Regulation dating from 1975 sets out the marketing standards for eggs for human consumption. (86)

The Regulation defines various quality and weight grades, together with the corresponding markings. Retail customers must be able to identify these grades, the conservation method and the packing period.

Eggs collected from producers at least once a week are graded by quality as follows:

- Grade A: fresh eggs
- Grade B: second-quality or preserved (refrigerated) eggs
- Grade C: eggs intended for the food industry only.

Eggs collected from the producer twice a week are graded "extra-fresh".

Only specialized concerns, "packing centres", are authorized to carry out quality and weight grading.

Eggs from outside the Community must meet Community marketing standards and be marked with the country of origin.

Spot checks carried out at all marketing stages by agencies appointed by the Member States ensure that the various provisions are complied with.

In 1984 a new Regulation abandoned use of the packing week number (1 to 52), replacing it by the packing period. (87)

2. Quality specifications

Quality specifications consist of a set of rules laying down the composition and manufacturing characteristics of foodstuffs. The problem is to establish common criteria for the composition of food products.

2.1. Quality specifications no longer included in Community legislation

The Court of Justice, in numerous judgements, has never allowed a Member State to ban the sale of a product which is not considered to meet that Member State's quality specifications but has been legally manufactured and marketed in another Member State.

In its 1985 White Paper, the Commission set out its general approach, to the effect that since the compulsory list of ingredients on the label informed the consumer about the nature and composition of foodstuffs, it was no longer necessary to define these aspects in legislation, unless specifically required for the purposes of public health protection.

However, the Commission had already adopted vertical Directives on the composition and manufacture of specific products, namely cocoa and chocolate products (88), certain sugars (89), fruit juice and nectar (91), fruit jams, jellies and marmalades and chestnut purée (92), preserved milk (93), coffee extracts and chicory extract (94), honey (95) and casein (96). These Directives also take account of the reserved description rules for the products concerned. The Commission now no longer drafts proposals containing detailed definitions of major consumer products. Instead it concentrates on a horizontal approach based on general problems such as labelling and price indication.

Consumer organizations have, however, expressed a fear that the absence of quality specifications might cause a levelling down of quality standards, with the least strict national standard tending to become the norm. To allay this fear and avoid the spread of unfair imitations, the Commission has turned to the concept of mutually recognized "statements of quality". Mutual recognition would be based on a detailed assessment of the characteristics of the foodstuffs concerned.

Furthermore, the Commission's more recent activities, in particular the report on "The future of rural society" (97) and its Communication on the free movement of foodstuffs within the Community (98), have revealed a more qualified approach based on the idea of creating a Community framework allowing certain agricultural products or foodstuffs to be recognized as being different from others.

2.2. Measures to benefit rural society:

In its Communication on the future of rural society, the Commission states that "because of stagnating demand and the need to bring surpluses under control, the future of rural production can no longer be seen in quantitative terms". On the other hand, the continued production and promotion of high-quality products could become of substantial importance, in particular in less-favoured and remote areas, at the same time helping to meet consumers' expectations.

The Commission therefore proposes the creation of a general framework for the use of "labels" permitting recognition of products:

- subject to special production quality requirements (cheese, butter, etc)

- originating in areas known for their traditional production (poultry or meat of particular breeds)

- produced by special methods (free-range, organic, etc).

2.2.1. Towards the creation of Community quality labels

The Commission is preparing a framework text on labels.

A "label" is a specific product quality designation supplementing the traditional product description. It certifies that the product possesses certain specific characteristics as a result of the raw materials used or the production conditions.

A label may be used by any producer who voluntarily accepts additional constraints wherever his production establishment. The important factors for labels are the specifications and checks carried out by an approved independent agency.

2.2.2. Towards the recognition and protection of geographical origin indications

The Commission is planning to draw up framework legislation on product designations for the exclusive use of producers in specific areas. Similar arrangements already exist for wine.

On the subject of consumer protection, the 1979 Directive (99) on the labelling of foodstuffs stipulates that the place of origin must be indicated if the consumer might otherwise be misled. Labelling must not contain any information which is either unethical or likely to mislead the consumer. The 1984 Directive on misleading advertising institutes control measures, particularly with regard to the geographical origin of products (100).

Example of recognition and protection of geographical origin designations
The wine sector

Two Regulations adopted in 1987 define the various wine products and by-products (101):

- WINE The product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.

- TABLE WINE Wine other than quality wine psr:
  - derived exclusively from certain vine varieties,
  - produced in the Community,
  - having a specified alcohol strength,
  - having a specific total acidity content.

For table wines there are few conditions regarding the approval of vine varieties and alcohol strengths. Production region specifications are very broad.

The use of the geographical term "vin de pays" to describe a table wine is subject to the condition that it is obtained entirely from certain specified vine varieties and that it originates exclusively from the territory, precisely defined, of the name it carries

- QUALITY WINES PSR (produced in specified regions)
  Quality wines psr are quality wines which satisfy Community regulations and national rules.
  Community legislation requires quality wines psr to be produced in specified regions, i.e. in a wine-growing area or combination of wine-growing areas, the name of which is used to designate its wines, which possess special quality characteristics.

The requirements for quality wines psr are extremely strict. They include:

- Demarcation of the area of production
- An authorization for each vineyard plot
- Approval of vine varieties
- A minimum natural alcoholic strength
- Yield per hectare
- Official quality control (analysis and tasting)
- Government control of wines intended for sale.

Each Member State also uses traditional terms to denote its quality wines psr, as follows:

* France: Appellation d'origine contrôlée, Appellation d'origine vin délimité de qualité supérieure (AOC, v.d.q.s.)
* Federal Republic of Germany: Qualitätswein, Qualitätswein mit Prädikat (Kabinett, Spätlese, Auslese, Beerenauslese), Trockenbeerenauslese, Eiswein) (Q.b.A., Q.b.A.m.Pr)
* Italy: Denominazione d'origine controllata, Denominazione d'origine controllata e garantita (DOC, DOCG)
* Luxembourg: Marque nationale du vin Luxembourgeois (MN)
* Greece: Onomasia proeleuseos elenchomene, Onomasia proeleuseos apoteras poiotetos (OPE, OPAP)
* Spain: Denominaçion de origen, denominaçion de origen calificada (DO, DOC)
* Portugal: Denominaçao de origem, denominaçao de origem controlada, Indicaçao de proveniença regulamentada (IPR).

The Community has defined designations, laying down specific requirements for each. Legislation also covers the consumer information to be provided on labels. Certain details are compulsory, depending on the type of wine. Geographical designations used to indicate the origin of table wines and quality wines psr are protected under Regulations adopted in 1981 and 1989 (102 and 103).

2.2.3. Towards a Regulation on organic production

At the end of December 1989 the Commission adopted a proposal for a Regulation on organic production of agricultural products and indications referring to organic production on agricultural products and foodstuffs. The proposal is currently being examined by the Council. Its objective is to set up a harmonized framework for the labelling, production and inspection of agricultural products and foodstuffs with reference to organic production methods. Under the system operators can decide to place themselves voluntarily under a regular inspection scheme which ensures the non-use or strictly limited use of synthetic chemicals.

Operators can then use an official Community indication that their products are covered by this scheme, thus providing consumers with a firm assurance that the product meets the specific requirements of organic farming (104).

3. Reserved descriptions for foodstuffs

Reserved descriptions are very important in that they constitute an essential factor for the identification of products consumed in all European countries. Such products are rarely defined in the same way throughout the Community, with definitions varying according to consumption habits and cultural traditions.

It is therefore necessary to find a solution for cases where products from different Member States have the same trade description, but different compositions.

The Commission has deduced from a large number of judgements of the Court of Justice on the free movement of foodstuffs that the importer of foodstuffs has a choice between either:

- maintaining the name under which the product is lawfully marketed in the Member State of manufacture, or

- adopting the trade description under which similar products are marketed in the importing Member State.

That choice may be restricted only where the product presented under a given description differs, in terms of its composition or manufacture, from goods generally known under that description in the Community to such an extent that it cannot be regarded as belonging to the same category.

Furthermore, where the imported product does not display certain characteristics that are regarded in the importing Member State as essential in order for a given trade description to be used, it is for the importer to ensure that the labelling of the imported product informs the consumer adequately of its nature and characteristics (105).

This may mean that the labelling of the imported product has to comprise certain details that are not mandatory under the Directive on the labelling of foodstuffs. The Commission is shortly to put forward a proposal for a Directive requiring the quantities (in percentage terms) of characteristic ingredients or groups of ingredients of a foodstuff to be indicated, to make it easier to compare it with other products of similar appearance.
Foodstuffs covered by vertical Directives are also subject to Community rules on reserved descriptions. These products, which include chocolate, fruit juice and nectar, jam and honey, are the only ones with the same trade description throughout the Community.

The Commission is considering drawing up Community rules when the legal basis is available and when acute problems arise, in particular cases where consumers could be misled.

In this connection, the standardization of certain products (butter, margarine, meat products, etc.) is currently being examined.

Example of reserved descriptions: milk and milk products.

Since 1987 a Council Regulation has protected the designation "milk and milk products" against imitation products (e.g. soya-based products) (106).
The term "milk" is reserved exclusively for the mammary secretion obtained by milking without either addition or extraction other than of its natural constituents.
Heat-treated milk or milk with standardized fat content may be described as milk on condition that the type, grade, and origin of the milk and the physical treatment to which it has been subjected are also mentioned.

The designations "whey", "cream", "butter", "buttermilk", "butteroil", "caseins", "anhydrous milkfat (AMF)", "cheese", "yoghurt", "kephir" and "koumiss" refer only to products derived exclusively from milk. They must not be used in labelling, commercial documents or publicity to describe any other products. However, designations may be used together with other terms to describe compound products of which milk or a milk product is a main ingredient.

Traditional terms for specific products such as almond and coconut milk, cream of chicken, cream of vegetables, crème de cassis, crème de menthe, cocoa butter, etc. may still be used.

IV. CONSUMER INFORMATION AND OFFICIAL CONTROL OF FOODSTUFFS

Labelling, pricing and advertising allow purchasers to make an informed choice from the products on offer. Various Community Directives limit the a scope for errors, omissions or malpractices likely to mislead the consumer and provide for a high level of clarity. To protect public health and ensure the fairness of transactions, official controls of foodstuffs have been instituted at all stages of production, marketing and sales.

Community legislation:

- defines the general labelling principles (1.1)
- makes provision for rules governing nutritional labelling (1.2)
- makes price indication on foodstuffs compulsory (2)
- enables consumers to take action against misleading advertising (3)
- institutes official controls of foodstuffs (4)

1. Labelling

Labelling is defined as any words, particulars, trademarks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff.

1.1 Information which must appear in the labelling, presentation and advertising of foodstuffs

The 1979 Council Directive (107) defines the general principles applicable to the labelling of foodstuffs for sale to final consumers. The aim is to provide better information for consumers, and the principles also apply to restaurants, hospitals, canteens and other similar mass caterers. The Directive describes the information which is mandatory in labelling, together with provisions covering packaging, pre-packaging and dating of foodstuffs.

In 1986 rules for the labelling of alcoholic beverages (containing more than 1.2% by volume of alcohol) were added (108).

Further amendments have since been made to the 1979 Directive. A Directive adopted in 1989 made it necessary to state the "use by" date and indicate any treatment by ionizing radiation (109).

The provisions of these Directives are based on the general principle that labelling must prevent the purchaser from being misled:

- about the characteristics of the foodstuff
- by attributing to the foodstuff effects or properties which it does not possess
- by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics.

The following information is therefore mandatory:

* The name under which the product is sold (according to national provisions or accepted usage) including or accompanied by an indication of the physical state of the foodstuff or the treatment which it has been subjected (powder, freeze-dried, quick-frozen, concentrated, smoked, etc). If a foodstuff has been subjected to ionizing radiation, this must be clearly stated.

* The list of ingredients, i.e. a list of all ingredients contained in the foodstuff in descending order of weight.

  It should be noted that additives are also regarded as ingredients and must be listed by categories (colouring matters, preservatives, gelling agents, etc.) followed by their specific name or EEC number (E-number).

  Ingredients need not be listed in the case of certain products, including fresh, whole fruit and vegetables, carbonated water, vinegars, etc.

* The net quantity, which in the case of pre-packaged foodstuffs is expressed in units of volume for liquids (l, cl, ml, etc.) or units of weight for other products (kg, g, etc.). The Member States may make this information non-compulsory for foodstuffs sold by the piece. Where a foodstuff is presented in a liquid medium, the labelling must give the drained net weight of the foodstuff.

* The date of minimum durability, i.e. the date up to which the foodstuff, if properly stored, will retain its characteristic properties.
  Initially, the Commission had proposed that the production date be included in the labelling, but this was rejected by the Member States.

The date of minimum durability is given in terms of:

- DAY AND MONTH, where durability is LESS THAN 3 MONTHS
- MONTH AND YEAR, where durability is LONGER THAN 3 MONTHS
- YEAR, where durability is LONGER THAN 18 MONTHS.

The date of minimum durability is not required for fresh, whole fruit and vegetables, wine and other alcoholic drinks (containing at least 10% by volume of alcohol), bakery and pastry products, confectionery products (flavoured and/or coloured sugars), etc.

In accordance with the amendments introduced by the Directive adopted in June 1989, in the case of foodstuffs which, from the microbiological point of view, are perishable and therefore likely to constitute an immediate danger to human health (e.g. fermented cheeses which ripen in their pre-packaging), the date of minimum durability has been replaced by the "use by" date. The date (DAY, MONTH and YEAR in that order) is preceded by the words "use by".

This information is followed by a description of the storage conditions which must be observed.

* Any special storage conditions or conditions of use.

* The name or business name and address of the manufacturer or packager, or of a seller established within the Community.

* The place of origin or provenance in the cases where failure to give such particulars might mislead the consumer.

* Instructions for use when it would be impossible to make appropriate use of the foodstuff in the absence of such instructions.

N.B.: Other labelling rules are contained in the provisions governing specific products (cocoa and chocolate products, certain sugars, honey, fruit juice and nectar, fruit jams, jellies and marmalades and chestnut purée, etc).

1.2. Information which must appear in nutrition labelling

On 5 October 1988 the Commission presented a proposal for a Directive on nutrition labelling (110).

This proposal defines nutrition labelling as any information appearing in labelling and relating to:

- the quantity of proteins, carbohydrates, fats, dietary fibres, vitamins and minerals

- the energy content per 100 g or 100 ml or per package if the product is packed in smaller quantities. The energy value is expressed in kcal/g and kJ/g.

Nutrition labelling may also indicate the daily intake of vitamins and minerals.

When the amount of polyunsaturates and/or monounsaturates is given, the amount of saturates must also be given. The percentage of the recommended daily intake of the vitamins and minerals listed in the Annex may be shown in chart form. All this information must appear in one place, in the form of a table if possible. It must be clearly legible and easy to understand. The Member States must refrain from laying down more detailed nutrition specifications.

Nutrition labelling is optional, but becomes compulsory if a nutrition claim (mention of specific characteristics relating to the energy value, vitamins or minerals) is made in labelling or advertising.

2. Compulsory indication of foodstuffs prices

A Council Directive adopted in 1979 (111) and amended in 1988 (112) states that all foodstuffs offered to the consumer must be accompanied by the selling price and the unit price (e.g. per kg or l). Any written or printed advertisement or catalogue which mentions the selling price of foodstuffs must also indicate the unit price. This does not apply to foodstuffs sold in hotels, restaurants, cafes, public houses, hospitals, etc, nor to foodstuffs sold on the farm or to private sales.

Exemptions from the requirement to indicate unit prices are provided for. The Member States may grant such exemptions for foodstuffs contained in a single package, foodstuffs sold from automatic vending machines, prepared dishes or dishes for preparation contained in a single package, fancy products (articles made of chocolate etc), highly perishable foodstuffs sold at reduced prices on account of the danger of their deterioration, and foodstuffs sold in quantities of up to 50 g or 50 ml or in quantities of at least 10 kg or 10 l.

Community measures provide for the standardization of ranges of nominal quantities and capacities for foodstuffs which are pre-packed in pre-established quantities. Standardized foodstuffs are exempted from the requirement to state unit prices. As a general rule, it is considered that standardization makes it easier for consumers to compare prices.

3. Consumers may take action against misleading advertising

The development of modern communications methods has increased the quantity of information available on consumer goods, but as such information can turn out to be incorrect, Community legislation became essential.

The Directive on misleading advertising adopted in 1984 defined its subject as "any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour, or which, for those reasons, injures or is likely to injure a competitor". It gives consumers and organizations misled by such advertising the right to take legal action or refer the matter to a competent administrative authority (e.g. the UK's Advertising Standards Authority, an independent body set up by the advertising industry) (113).

This is the Directive's major contribution. Consumers or their organizations may also require advertisers to furnish evidence as to the accuracy of factual claims in advertising. The courts are empowered to suspend publication of any misleading advertising.

4. Official control of foodstuffs

On 14 June 1989, the Council adopted a Directive on the official control of foodstuffs, establishing the general principles for ensuring that foodstuffs comply with the relevant legislation (114).

The Member States are required to implement these controls and nominate the competent national authorities to carry them out.
These authorities have to verify the compliance of:

- foodstuffs
- food additives, vitamins, minerals, trace elements and other additives
- materials and articles intended to come into contact with foodstuffs.

Each Member State is required to provide the Commission with a list of the authorities recognized as competent, together with details of their territorial responsibility, and a list of official or authorized laboratories responsible for carrying out analyses in connection with controls.

Controls are conducted regularly or where non-compliance is suspected. They cover all stages of production, manufacture, import into the Community, processing, storage, transport, distribution and trade in the Community. They usually take the form of an inspection of the state and use made of equipment, machinery and means of transport as well as premises and plant involved in the production and marketing of foodstuffs.

Controls also cover cleaning and maintenance products and processes, pesticides and products used for the manufacture or processing of foodstuffs. Inspectors must also monitor the labelling and presentation of foodstuffs. Samples of raw materials, ingredients and other technological aids used for the preparation and production of foodstuffs, semi-finished products and products for final consumption may be collected for analysis.

The final aspect of controls is the personal cleanliness and clothing of persons who, in the course of their activity, come into direct or indirect contact with the materials or products mentioned.

V. ACCESS TO THE COURTS AND COMPENSATION FOR DAMAGE SUFFERED BY THE CONSUMER

One phenomenon which is as old as trade itself is that it is possible to buy a product which proves faulty and causes damage.

However, consumers rarely take the step of going to court, for several reasons:

- legal advice and court costs often exceed the amount involved
- procedures are slow
- psychological factors (formalities, courtrooms)
- legal procedures are not always suited to consumer protection in that they only cover actions by individuals.

There is no Community legislation in this field. However, the second programme for a consumer protection and information policy adopted in 1981 repeats the principle laid down in the first programme that consumers are entitled to compensation for damage (115).

The basic idea is to ensure equal treatment throughout the Community for customers who have suffered damage.
Without excluding a compulsory legal solution in the long term, the Commission prefers to concentrate for the time being on promoting suitable action at national level. It will continue to support pilot projects aimed at establishing how the problems encountered can be solved. On the basis of the information collected, it will propose specific solutions, i.e. amendment of legislation, creation of arbitration and conciliation procedures, measures to improve consumer advice and information, or a combination of these.

In 1985, after some 12 years of preliminary discussions, a Directive was finally adopted, according to which a producer is liable for damage caused by a defect in his product, regardless of whether or not he is guilty of negligence.
No limit has been fixed for such responsibility in the Directive, although governments may limit the producer's overall responsibility for damage resulting from death or personal injury and caused by identical articles with the same fault to an amount not less than 70 million ECU (116).

The Directive contains two restrictions. The first is that producers are not responsible for "development risks", i.e. dangers which scientific and technical knowledge did not enable the producer to anticipate at the time when the product was put into circulation.

The second restriction is that the injured person is "required to prove the damage, the defect and the causal relationship between defect and damage".

As a result of a political compromise, "primary agricultural products" have been excluded from the definition of the term "product", although the Directive allows the Member States to extend the scope to cover them. Where the Member States choose not to do so, the Directive states that primary agricultural products are included under the term "product" as soon as they undergo processing.

VI. CONSULTATION OF CONSUMER ORGANIZATIONS

In 1973, to allow consumers to make their voices heard and to guide the Community in a direction more favourable to consumers' interests, the Commission decided to set up a Consumers' Consultative Committee (117). In 1989 this Committee was reconstituted as the Consumers' Consultative Council (118).

After 16 years of operation, it seemed necessary to extend consultation beyond the European consumer organizations to take in the better organized and more efficient national organizations. The representation of southern European and Irish organizations also had to be strengthened.

The Commission therefore decided to increase the Consultative Council to 39 members, made up of:

* 16 representatives of the European consumer organizations
  - the European Office of Consumer Unions (BEUC)
  - the Committee of Family Organizations in the European Communities (COFACE)
  - the European Community of Consumer Cooperatives (EUROCOOP)
  - the European Trade Union Confederation (ETUC).

* 17 members appointed by the Commission on the basis of proposals from the national consultative bodies or, where such bodies do not yet exist, from the more representative consumer organizations.

* 6 individuals specially qualified in consumer affairs, appointed by the Commission.

The CCC may be consulted by the Commission on all problems relating to the protection of consumer interests. It gives its opinions at the request of the Commission or on its own initiative on all problems concerning consumer interests at Community level and in particular on the implementation of policy and measures relating to consumer protection and information.

Besides the CCC, the Commission has set up various other committees with advisory capacities. Of these, the following are particularly concerned with consumer protection:

* The Advisory Committee on Foodstuffs, set up in 1975 and since 1980 comprising two representatives, appointed by the Commission, from each of the following economic groups: agriculture, commerce, consumers, industry and employees (119). The purpose of this Committee is to advise the Commission on all problems relating to the harmonization of foodstuffs legislation. It does not act on its own initiative, but delivers opinions at the request of the Commission.

* Agricultural Advisory Committees. There is an Advisory Committee for each agricultural product subject to common organization of the market. Organizations representing the producers and traders of the product concerned normally occupy more than half of the seats, whilst consumers have between two and five representatives depending on the size of the Committee.

  The task of these Committees is to advise the Commission on all problems relating to the common organization of the market in question.

  In addition there are the Advisory Committee on Customs Matters (120), the Advisory Veterinary Committee (121), the Advisory Committee on Feedingstuffs (122) and the Committee on Commerce and Distribution (123).

At European level, the national standardization bodies have formed the CEN ((European Committee for Standardization) and the CENELEC (European Committee for Electrotechnical Standardization). The standardization bodies of the EFTA countries are also members of these Committees. The Council Resolution of 4 November 1988 invited the Member States to improve consumer involvement in standardization and in national delegations to European and international standardization bodies (124).

Scientific committees also help the Commission to design and implement various measures. One example is the Scientific Committee for Food, which is consulted on foodstuffs composition, processing operations and the use of additives, etc. The Scientific Committee on Pesticides concerns itself with the use, residues and effects of pesticides, whilst the Scientific Veterinary Committee gives opinions on questions of public health, animal health, etc.

CONCLUSION

This survey of Community legislation shows just how much has been done to take account of consumers' interests in connection with agricultural prices, health protection, protection of the environment, the quality of agri-food products and consumer information.

The various rules are not specifically addressed to consumers, but nevertheless concern them directly. Many are aimed at protecting public health, strengthening competition and eliminating unfair or misleading practices, thus helping to provide consumers with a wider and better choice of products.

The Community legislation dealing with consumer interests is currently going through a period of major change. Not only are technical developments leading to the invention of new manufacturing, processing and treatment methods which legislation has to keep up with, but completion of the internal Market in 1992 and reform of the Common Agricultural Policy are having far-reaching economic effects on agriculture and the agri-food industries.

Since increases in production volumes were brought under control by the reform of the Common Agricultural Policy and a new agricultural structural policy was implemented, European agriculture has been moving towards higher quality production, with limited use of chemicals and the accent on more traditional methods. This new strategy particularly benefits small farmers, as they can exploit geographical or regional characteristics and typical production methods which make full use of their efforts and skills. Farmers are also encouraged to process and sell agricultural products directly on the farm.

It must be acknowledged that in recent years more and more consumers have started to demand products with specific qualities and a clear indication of production methods and geographical origin.

The Commission has recently proposed the creation of a "quality label" for organically grown products. Further proposals establishing a Community legal framework for the use of quality labels and origin designations are expected soon.

The new Common Agricultural Policy complies with consumers' expectations by making full use of regional production methods, showing more respect for the environment and taking better account of market demands.

There are even research programmes to support the new approach.

The five-year agricultural research programme, for instance, aims to redefine the management of agricultural resources by improving quality, introducing new varieties and new production methods which are less harmful to the environment, and by preparing products to suit the needs of the processing industry. Two other programmes, ECLAIR and FLAIR, are devoted to the application of new technologies in the agri-food industry. Whilst the objective of the ECLAIR programme is to use biotechnology to develop more ecological agricultural products or new production and processing methods, the FLAIR programme is particularly concerned with improving the quality and wholesomeness of foodstuffs.

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ISSN 1012-2117

Catalogue number: CC-AK-90-001-EN-C