

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-1488/83

Report

drawn up on behalf of the Committee on the Environment,
Public Health and Consumer Protection

on the proposal from the Commission of the European
Communities to the Council (Doc. 1-828/82 - COM(82)
626 fin.) for a Directive amending Directive
79/112/EEC on the approximation of the laws of the
Member States relating to the labelling, presentation
and advertising of foodstuffs for sale to the
ultimate consumer

Rapporteur : Mr J. PROVAN

By letter of 29 October 1982, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 100 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.

On 13 November 1982, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture and the Legal Affairs Committee for an opinion.

At its meeting of 18 November 1982, the Committee on the Environment, Public Health and Consumer Protection appointed Mr Provan, rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 29 September 1983, 2 February 1984 and 22/23 February 1984.

At the latter meeting the committee decided to recommend that Parliament adopt the Commission's proposal subject to the following amendments.

The committee then unanimously adopted the motion for a resolution as a whole.

The committee decided to request the application of Rule 34 of the Rules of Procedure.

Participated in the vote : Mr Collins, chairman; Miss Hooper, vice-chairman; Mr Provan, rapporteur (deputizing for Mr Forth); Mr Alber, Mr Bombard, Mr Ghergo, Mr Johnson, Mrs Krouwel-Vlam, Mr Mertens (deputizing for Mr Del Duca), Mrs Pantazi, Mr Protopapadakis (deputizing for Mrs Lentz-Cornette) Mrs Schleicher and Mrs Spaak.

The opinions of the Committee on Agriculture and the Legal Affairs Committee are attached.

The report was submitted on 27 February 1984.

The deadline for the tabling of amendments to this report appears in the draft agenda for the part-session at which it will be debated.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendments and motion for a resolution together with explanatory statement:

Amendments by the Committee on the Environment, Public Health and Consumer Protection

Text proposed by the Commission of the European Communities

Proposal from the Commission of the European Communities to the Council for a directive amending Directive 79/12/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (COM (82) 626 final)

Amendment No. 1

Article 1(3)

3. The following subparagraph (c) is added to Article 6(8):

"(c) in the case of beverages containing more than 1.2% by volume of alcohol where water is an ingredient without which the beverage cannot be manufactured."

Amendment No. 1

Article 1(3)

3. The following subparagraph (c) is added to Article 6(8):

"(c) in the case of beverages containing more than 1.2% by volume of alcohol where water is an ingredient without which the beverage cannot be obtained."

Amendment No.2

Article 1(4)

The following Article 10 a is inserted:

"The rules concerning indication of the alcoholic strength shall:

(a) in the case of:

- products covered by CCT headings 22.04 and 22.05,
- spirituous beverages,
- aromatized wines,

be those laid down in the specific Community provisions and applicable to such beverages;

(b) in the case of other beverages containing more than 1.2% by volume of alcohol, be laid down in accordance with the procedure provided for in Article 17. Provision shall be made for consultation of the European Parliament."

Amendment No. 3

Article 1(6)

Delete

Amendment No.2

Article 1(4)

The following Article 10 a is inserted:

"The rules concerning indication of the alcoholic strength shall:

(a) in the case of:

- products covered by CCT headings 22.04 and 22.05,
- spirituous beverages,
- aromatized wines,

be those laid down in the specific Community provisions and applicable to such beverages;

(b) in the case of other beverages containing more than 1.2% by volume of alcohol, be laid down in accordance with the procedure provided for in Article 17."

Amendment No. 3

Article 1(6)

The following is added to Annex I:

<u>'Definition</u>	<u>Designation</u>
All non-malted cereals used in the manufacture of beer.	Non-malted cereal(s) or mixture(s) of non-malted cereals.
Hops, hop powder, hop extracts used in the manufacture of beer and similar beverages.	Hops.'

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc 1-828/82),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture and the Legal Affairs Committee (Doc. 1-1488/83),
- having regard to the result of the vote on the Commission proposal,

1. Notes that the proposal for a Directive conforms with the provisions of Article 6(3) of Council Directive 79/112/EEC²;
2. Regrets that all the proposals relating to beverages containing more than 1.2% by volume of alcohol have not been presented in a coordinated manner, but hopes that the provisions will come into force at the same time in order to avoid discrimination between various alcoholic beverages;
3. While not convinced that an indication of alcoholic strength on the label is an essential piece of information for the consumer in the case of alcoholic beverages covered by the present Directive, nevertheless supports the Commission's proposal in this respect in order that there be no discrimination between these beverages and those for which specific regulations have already been proposed;

¹ OJ No. C 281, 26.10.1982, p. 3

² OJ L 33, 8.2.1979

4. Calls on the Commission to ensure that the rules for indicating alcoholic strength in the case of beers allow adequate tolerances and that at the same time all other non-tariff barriers to trade in the form of strength marking are removed;
5. Calls for a more flexible approach to ingredient listing of the alcoholic beverages covered by the present directive;
6. Calls for beer and wine to be dealt with in the same way as far as the listing of ingredients is concerned;
7. Insists that Parliament should be consulted when the procedure for the laying down of rules concerning the indication of alcoholic strength is being determined, but that this does not prevent the Commission from requesting the opinion of the Standing Committee on Foodstuffs;
3. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENTBACKGROUND

1. Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer adopted by the Council on 18th December 1978¹ had as its prime objective the enacting of Community rules of a general nature applicable horizontally to all foodstuffs put on the market. The information and protection of the consumer was the main consideration in drawing up the directive.
2. At the time the Directive was drawn up it was decided that beverages containing more than 1.2% by volume of alcohol should be dealt with at a later stage, four years following notification of the Directive.
3. The Commission, in compliance with that decision, is currently presenting four proposals dealing with (i) still wines and grape musts; (ii) special wines (under consideration by the Parliament); (iii) spirituous beverages and aromatized wines (under consideration by Parliament); (iv) other beverages (directive under consideration).
4. In its explanatory statement, the Commission deemed that it would be desirable if all the above provisions were adopted in a coordinated manner. It would also have been desirable, from Parliament's point of view, if the proposals had been presented in a coordinated manner, and dealt with by the same committee.

EXAMINATION OF THE PROPOSED DIRECTIVE

5. The present proposal takes the form of a directive comprising three articles, Article 1 proposes six amendments to the original directive, Article 2 sets time-limits for the implementation of the directive and Article 3 is purely formal.

¹ OJ No. L33, 8.3.1979

- (i) lists of ingredients can lead to confusion, as many raw materials change in character and composition during the production process;
- (ii) such lists could give away trade secrets;
- (iii) the labels on many alcoholic beverages sold in hotels, restaurants, bars, etc. are never seen by consumers;
- (iv) the Community would appear to be the only major trading block to require ingredient listing of alcoholic beverages.

8. The Commission appears to have accepted these arguments for other alcoholic beverages by allowing the designation of types of alcohol to be understood as including certain ingredients. The Committee considers that the same type of provisions could have been adopted with relation to the alcoholic beverages covered by this directive, requesting the Commission to introduce specific provisions for these beverages.

9. Amendment No.3: Amendment No.3 adds a subparagraph (c) to Article 6(8). The new text would then read

"Notwithstanding paragraph 5(a), the water content need not be specified:

(a)

(b)

(c) in the case of beverages containing more than 1.2% by volume of alcohol where water is an ingredient without which the beverage cannot be obtained"

For the sake of clarity the Committee proposes that instead of the word "obtained" the word "manufactured" or "produced" should be used.

10. Amendment No.4: Amendment No.4 adds a new Article 10(a) covering the procedure for the laying down of rules concerning the indication of alcoholic strength. In the case of beverages not covered by this directive these are being laid down in the specific regulations already referred to. However, in the case of other beverages the rules would be laid down according to the procedure outlined in Article 17 of the original directive.

Articel_1

6. Amendment No.1: The first amendment makes compulsory with respect to beverages containing more than 1.2% by volume of alcohol the indication on the labelling of the alcoholic strength. Article 6, paragraph 3 of the 1979 Directive states that the Commission "shall determine the rules for labelling ingredients and, possibly, indicating the alcoholic strength". In the case of the alcoholic beverages covered by the present directive, the Committee is not convinced that an indication of alcoholic strength on the label is strictly necessary as most of these beverages (cidars, beers, perriers, etc) are mostly of relatively low alcoholic content. However, the Committee accepts that there should not be discrimination between these beverages and those for which specific regulations have already been proposed by the Commission (spirituous beverages, etc.).

7. Amendment No.2: Amendment No.2 proposes to replace Article 6(3) of the original directive which reads as follows:

"In the case of beverages containing more than 1.2% by volume of alcohol, the Council, acting on a proposal from the Commission, shall, before the expiry of a period of four years following notification of this Directive, determine the rules for labelling ingredients and, possibly, indicating the alcoholic strength"

by a new text which would read:

"in the case of:

- products covered by CCT headings 22.04 and 22.05,
- spirituous beverages,
- aromatized wines,

the rules concerning the inclusion of ingredients on the label shall be those laid down in the specific Community provisions applicable to such beverages".

The impact of this amendment is that the products covered by this Directive (beers, etc.) must now carry lists of ingredients on the label. Strong representations have been made to the rapporteur against the listing of ingredients for alcoholic beverages. The main arguments could be summarised as follows:

This article provides that the matter would be referred by the Commission to the Standing Committee on Foodstuffs which would deliver an opinion within a time-limit. Where the measures envisaged were in accordance with the opinion of the Committee, the Commission would adopt them. If, however, the measures envisaged were not in accordance with the opinion of the Committee or if the opinion was not delivered within the time-limit, the Commission would then be obliged to submit a proposal to Council, which would act by a qualified majority. If the Council did not act within three months of the submission of the proposal, the Commission would adopt the proposed measures.

11. The procedure outlined in Amendment No.4 does not allow for consultation of the European Parliament. The Committee considers that for this important point to which reference has already been made in paragraphs 7 and 8, consultation of the Parliament is essential and would propose, therefore, an amendment to paragraph (b) of the new Article 10(a).

12. Amendment No.5 Amendment No.5 is a drafting change replacing the phrase "shall appear in the same field of vision" by "shall be simultaneously visible". The Committee has no particular comment to make on this amendment.

13. Amendment No.6: Amendment No.6 is an addition to Annex I of the original directive. Annex I lists those categories of ingredients which may be designated by the name of the category rather than the specific name. It is proposed to add the following designation to Annex I "non-malted cereal(s) or mixture(s) of non-malted cereals". This would be defined as all non-malted cereals used for the manufacture of beer. The designation "hops" would cover hops, hop powder, hop extracts used in the manufacture of beer and similar beverages. This amendment is in line with the arguments outlined in paragraphs 7 and 8 above in favour of greater flexibility in ingredient listing for alcoholic beverages.

OPINION

of the Committee on Agriculture

Letter from Mr Curry, chairman of the Committee on Agriculture, to Mr COLLINS,
chairman of the Committee on the Environment, Public Health and Consumer
Protection

Brussels, 2 December 1982

Dear Mr Collins,

At its meeting of 1 and 2 December 1982 the Committee on Agriculture considered the proposal for a Council Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.

It noted with interest that, in view of the deadline set in Article 6(3) of Directive 79/112/EEC, the Commission intends to present to the Council before the end of the year the necessary proposals to enable the Council to lay down rules for labelling the ingredients and where appropriate the alcoholic strength of beverages containing more than 1.2% by volume of alcohol.

It notes that the proposal for a Council Regulation laying down rules for the description and presentation of special wines (Doc. 1-508/82) has already been referred to the European Parliament and that an opinion will shortly be delivered on the subject.

The Committee on Agriculture urges the Commission to submit its proposals for still wines and grape musts and for special wines as quickly as possible to prevent discrimination arising between such beverages and those with an alcoholic strength of more than 1.2% by volume. The committee hereby approves the present proposal on the labelling of the ingredients and alcoholic strength of other beverages.

(sgd) D. CURRY

¹ The following took part in the vote: Mr Curry, chairman; Mr Fruh, vice-chairman; Mr Abens (deputizing for Mr Eyraud), Mr Clinton, Mr Gatto, Mr Gautier, Mr Hord, Mr Howell, Mr Mertens, Mr Provan, Mr Tolman and Mr Woltjer

The Legal Affairs Committee agrees with the Commission's stated objective of avoiding discrimination between the various beverages containing more than 1.2% by volume of alcohol but takes the view that the adoption of the necessary provisions in a coordinated manner would have been facilitated by their submission to the Council in a coordinated manner, for example in a single document: it is clear that the present proposal would be largely nugatory until and unless the other measures have been adopted. In this perspective, the Committee considers that the European Parliament should be consulted for its opinion in all the proposals referred to above, including those on which consultation had not previously been envisaged.

The Legal Affairs Committee also takes the view that in order to ensure proper respect for deadlines laid down in earlier legal instruments, the Commission of the European Communities should normally submit the requisite proposals in good time for the European Parliament to give its properly considered opinion without which the Council is unable to adopt the measures proposed: three months or two part-sessions, whichever period is the longer, is the minimum time-limit which the Committee considered appropriate in an earlier case,¹ in the absence of an overwhelming requirement of greater urgency.

Subject to these reservations as to the method of presentation and timing of the Commission of the European Communities, the Legal Affairs Committee is of the opinion that the proposal does not call for any other observations of a legal nature which should be brought to the attention of the Committee responsible.

Yours sincerely,

(signed) Rudolf LUSTER

The following took part in the vote: Mr LUSTER, Vice-Chairman and acting Chairman; Mr TURNER, Vice-Chairman; Mr MEGAHY, draftsman; Mr GEURTSSEN, Mr GONTIKAS, Mr JANSSEN van RAAY, Mrs MACCIOCCHI, Mr SIEGLERSCHMIDT, Mr TYRRELL and Mr VIE.

¹See TYRRELL opinion (PE 82.299/fin.) on a proposal for a directive relating to measures to be taken against air pollution (Doc. 1-192/82)

