

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 514 final

Brussels, 23 September 1985

Amendment to the
Proposal for a
COUNCIL DIRECTIVE

on the approximation of the laws of the Member States relating
to quick-frozen foodstuffs for human consumption

(COM(84) 489 final, 19 September 1984)

89/100/EEC

(submitted to the Council by the Commission pursuant to the second
paragraph of Article 149 of the EEC Treaty)

COM(85) 514 final

Official Journal C 267, 1985

EXPLANATORY MEMORANDUM

This proposal takes account of certain amendments suggested by Parliament at its meeting of 14 June 1985 and adopted by the Commission.

Amendment to the proposal for a Council Directive on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption ⁽¹⁾

COM(85) 514 final

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 27 September 1985)

(85/C 267/07)

In response to the opinion delivered by the European Parliament ⁽²⁾ on the proposal for a Directive transmitted to the Council by the Commission on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption and in accordance with the second paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend the aforementioned proposal as follows:

1. The eighth recital is replaced by the following:

'Whereas brief upward fluctuations are necessary on technical grounds and may therefore be tolerated provided they are in accordance with good commercial practice and do not jeopardize the quality of the products.'

2. The 11th recital is replaced by the following:

'Whereas this Directive need merely state the objectives to be attained as regards both the

equipment used for the quick-frozen process and the temperatures to be adhered to in the installations and appliances for storage, handling, transport and distribution.'

3. The first subparagraph of Article 1 (2) is replaced by the following:

'For the purposes of this Directive "quick-frozen foodstuffs" means foodstuffs put up for sale which have undergone a suitable freezing process known as "quick-freezing" whereby the temperature zone of maximum crystallization is spanned as rapidly as possible, depending on the type of product, with the result that the temperature of the product (after thermal stabilization) is — 18 °C or lower.'

4. The introductory phrase of Article 5 (2) is replaced by the following:

'Brief upward fluctuations in the temperature of the product in accordance with the good storage and distribution practices shall be permitted, on condition that they do not exceed.'

⁽¹⁾ COM(84) 489 final, 19 September 1984, OJ No C 267, 6. 10. 1984, p. 6.

⁽²⁾ OJ No C 175, 15. 7. 1985, p. 292.

5. Article 5 (3) is replaced by the following:

'3. Should the tolerances allowed in paragraph 2 be either accidentally or unforeseeable exceeded, the product in question shall be examined to determine the use to which it may be put. (Thawed products or those in which the thawing process has begun must be labelled with a clear warning.)'

6. Article 7 is replaced by the following:

'Article 7

Quick-frozen foodstuffs intended for retail sale shall be packed by the manufacturer or packer in suitable sealed packages which protect the products from any harmful influence and which must be delivered intact to the consumer.'

CORRIGENDA

Corrigendum to proposal for a Council Directive on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption*(Official Journal of the European Communities No C 267 of 6 October 1984)*

(84/C 317/10)

Page 6, ninth recital:

for: 'Whereas, if there has been a break in the could chain, ...';*read:* 'Whereas, if there has been a break in the cold chain, ...';

page 7, first paragraph of Article 1 (2):

for: '... product is — 81 °C or lower.';*read:* '... product is — 18 °C or lower.'.

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