



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.02.1997

COM(97) 20 final

97/ 0027 (COD)

Proposal for a

EUROPEAN PARLIAMENT AND 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**

(presented by the Commission)

Explanatory Memorandum

The original version of Article 6(3) of Directive 79/112/EEC stipulated that:

"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."

In October 1982, in accordance with this provision, the Commission proposed an amendment to the Directive requiring the labelling of alcoholic beverages to indicate the alcoholic strength and the list of ingredients. However, this proposal was adopted only in part by Directive 86/197/EEC relating to alcoholic content.

The second part of the proposal was resurrected as part of the proposal for an amendment of Directive 79/112/EEC sent to the Council in April 1992. The aim here was to act upon the judgment of 12 March 1987 in Case 178/84 ("Beer Purity Law"). For lack of a qualified majority, the part of the proposal which dealt with the list of ingredients of alcoholic beverages was split off when the common position was adopted in June 1995.

Given the lack of progress in this area, some Member States have since adopted national provisions making the list of ingredients compulsory for certain alcoholic drinks, including beer. Implementation of these provisions is bound to create new barriers to trade.

In view of the above, and taking into consideration the need to inform consumers, this proposal is intended to relaunch the debate on the list of ingredients for alcoholic beverages. It takes account of certain criticisms voiced during discussions on the previous proposal, particularly regarding the maximum time-limit for adopting the rules for the labelling of ingredients and the simultaneous entry into force for all beverages of the obligation to label the ingredients.

Proposal for a European Parliament and 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the Economic and Social Committee,²

Acting in accordance with the procedure referred to in Article 189b of the Treaty,

Whereas Article 6(3) of Directive 79/112/EEC lays down that "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";

Whereas the Commission's earlier proposals in response to this mandate³ failed to win the agreement of the Member States;

Whereas account should be taken of the case-law of the Court of Justice of the European Communities concerning the labelling of alcoholic beverages;⁴

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3 OJ C 281, 26.10.1982, p. 3 and OJ C 122, 14.5.1992, p. 12.

4 Judgment of 12.3.1987 in Case 178/84 (Beer Purity Law), and in particular grounds 35 and 36.

Whereas it is for the Community legislator to adopt the measures deriving from that case-law,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Article 6(3) of Directive 79/112/EEC is hereby replaced by the following:

"3. The rules for labelling the ingredients of beverages containing more than 1.2 % alcohol by volume shall be adopted within a period of three years starting on 1 July 1998

(a) in the case of

- wines,⁵ including sparkling wines,⁶ liqueur wines and semi-sparkling wines⁷ offered for sale to the consumer;
- partially fermented grape must;⁶
- spirituous beverages;⁸
- aromatized wines;⁹

within the framework of the specific Community provisions applicable to them;

(b) in the case of other products, in accordance with the procedure laid down in Article 17.

⁵ Council Regulation (EEC) No 2392/89, OJ L 232, 9.8.1989, p. 13.

⁶ Council Regulation (EEC) No 2333/92, OJ L 231, 13.8.1992, p. 9.

⁷ Council Regulation (EEC) No 3895/91, OJ L 368, 31.12.1991, p.1.

⁸ Council Regulation (EEC) No 1576/89, OJ L 160, 12.6.1989, p. 1.

⁹ Council Regulation (EEC) No 1601/91, OJ L 149, 14.6.1991, p. 1.

The rules adopted in accordance with these procedures shall enter into force simultaneously for the beverages covered by points (a) and (b) of this paragraph

For all these products the list of ingredients shall be preceded by the words "prepared with..."

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

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