


# Procedure file

| Basic information   |                                       |
|---|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive       | 1991/0380(COD)<br>Procedure completed |
| Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC) |                                       |
| Subject<br>4.60.02 Consumer information, advertising, labelling                   |                                       |

| Key players                   |   |  |            |
|-------------------------------|---|--|------------|
| European Parliament           |   |  |            |
|                               | Former committee responsible  |  |            |
|                               | <b>ENVI</b> Environment, Public Health and Consumer Protection                  |  | 27/07/1994 |
|                               |   | PPE <a href="#">SCHNELLHARDT Horst</a> |            |
| Council of the European Union |   |  |            |
|                               | Council configuration   | Meeting                                | Date       |
|                               | Fisheries   | <a href="#">1899</a>                   | 22/12/1995 |
|                               | Consumers   | <a href="#">1838</a>                   | 30/03/1995 |
|                               | <a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a> | <a href="#">1815</a>                   | 08/12/1994 |

| Key events |  |   |         |
|------------|--|---|---------|
| 08/06/1992 | Committee referral announced in Parliament, 1st reading              |   |         |
| 29/06/1993 | Vote in committee, 1st reading                                       |   | Summary |
| 29/06/1993 | Committee report tabled for plenary, 1st reading                     | A3-0219/1993  |         |
| 13/07/1993 | Debate in Parliament   |  | Summary |
| 14/07/1993 | Decision by Parliament, 1st reading                                  | COM(1991)0536   | Summary |
| 20/07/1993 | Vote in committee, 1st reading                                       |   |         |
| 27/10/1993 | Decision by Parliament, 1st reading                                  | T3-0533/1993  | Summary |
| 24/11/1993 | Vote in committee, 1st reading                                       |   |         |
| 24/11/1993 | Committee report tabled for plenary confirming Parliament's position | A3-0365/1993  |         |
| 02/12/1993 | Decision by Parliament, 1st reading                                  | T3-0683/1993  | Summary |
| 12/04/1994 | Modified legislative proposal published                              | COM(1994)0024   | Summary |

|            |  |   |         |
|------------|--|---|---------|
| 15/06/1995 | Council position published                               | <a href="#">06415/1/1995</a>  | Summary |
| 29/06/1995 | Committee referral announced in Parliament, 2nd reading  |   |         |
| 17/10/1995 | Vote in committee, 2nd reading                           |   | Summary |
| 17/10/1995 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A4-0250/1995</a>  |         |
| 24/10/1995 | Debate in Parliament                                     |  | Summary |
| 25/10/1995 | Decision by Parliament, 2nd reading                      | T4-0497/1995  | Summary |
| 22/12/1995 | Parliament's amendments rejected by Council              |   | Summary |
| 16/10/1996 | Formal meeting of Conciliation Committee                 |   | Summary |
| 16/10/1996 | Final decision by Conciliation Committee                 |   |         |
| 28/11/1996 | Joint text approved by Conciliation Committee co-chairs  | <a href="#">3626/1996</a>   |         |
| 05/12/1996 | Report tabled for plenary, 3rd reading                   | <a href="#">A4-0406/1996</a>  |         |
| 09/12/1996 | Debate in Parliament                                     |  | Summary |
| 10/12/1996 | Decision by Parliament, 3rd reading                      | T4-0659/1996  | Summary |
| 30/12/1996 | Decision by Council, 3rd reading                         |   |         |
| 27/01/1997 | Final act signed   |   |         |
| 27/01/1997 | End of procedure in Parliament                           |   |         |
| 14/02/1997 | Final act published in Official Journal                  |   |         |

### Technical information

|                            |  |
|----------------------------|--|
| Procedure reference        | 1991/0380(COD)   |
| Procedure type             | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype          | Legislation  |
| Legislative instrument     | Directive  |
| Legal basis                | Rules of Procedure EP 163; EC before Amsterdam E 100A          |
| Stage reached in procedure | Procedure completed  |
| Committee dossier          | CODE/4/07448   |

### Documentation gateway

|   |   |            |     |         |
|---|---|------------|-----|---------|
| Legislative proposal  | <a href="#">COM(1991)0536</a><br><a href="#">OJ C 122 14.05.1992, p. 0012</a> | 07/04/1992 | EC  | Summary |
| Economic and Social Committee: opinion, report                  | <a href="#">CES1164/1992</a><br><a href="#">OJ C 332 16.12.1992, p. 0003</a>  | 22/10/1992 | ESC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | A3-0219/1993<br><a href="#">OJ C 255 20.09.1993, p. 0005</a>                  | 29/06/1993 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          | T3-0533/1993<br><a href="#">OJ C 315 22.11.1993, p. 0070-0097</a>             | 27/10/1993 | EP  | Summary |

|   |  |  |            |        |         |
|---|--|--|------------|--------|---------|
| Reconsultation  |  | COM(1993)0570  | 10/11/1993 | EC     |         |
| Committee final report tabled for plenary, 1st reading/single reading                     |  | A3-0365/1993<br><a href="#">OJ C 342 20.12.1993, p. 0003</a>                 | 24/11/1993 | EP     |         |
| Text adopted by Parliament confirming position adopted at 1st reading                     |  | T3-0683/1993<br><a href="#">OJ C 342 20.12.1993, p. 0015-0033</a>            | 02/12/1993 | EP     | Summary |
| Modified legislative proposal   |  | COM(1994)0024<br><a href="#">OJ C 118 29.04.1994, p. 0006</a>                | 12/04/1994 | EC     | Summary |
| Council position  |  | <a href="#">06415/1/1995</a><br><a href="#">OJ C 182 15.07.1995, p. 0001</a> | 15/06/1995 | CSL    | Summary |
| Commission communication on Council's position  |  | SEC(1995)0941  | 27/06/1995 | EC     | Summary |
| Committee recommendation tabled for plenary, 2nd reading                                  |  | <a href="#">A4-0250/1995</a><br><a href="#">OJ C 308 20.11.1995, p. 0005</a> | 17/10/1995 | EP     |         |
| Text adopted by Parliament, 2nd reading   |  | T4-0497/1995<br><a href="#">OJ C 308 20.11.1995, p. 0021-0030</a>            | 25/10/1995 | EP     | Summary |
| Commission opinion on Parliament's position at 2nd reading                                |  | COM(1995)0631  | 11/12/1995 | EC     | Summary |
| Joint text approved by Conciliation Committee co-chairs                                   |  | <a href="#">3626/1996</a>  | 28/11/1996 | CSL/EP |         |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading |  | <a href="#">A4-0406/1996</a><br><a href="#">OJ C 020 20.01.1997, p. 0004</a> | 05/12/1996 | EP     |         |
| Text adopted by Parliament, 3rd reading   |  | T4-0659/1996<br><a href="#">OJ C 020 20.01.1997, p. 0020-0028</a>            | 10/12/1996 | EP     | Summary |

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1997/4](#)  
[OJ L 043 14.02.1997, p. 0021](#) Summary

Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

Le projet de rapport de Mme LANGENHAGEN (PPE, D) a été adopté.

Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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When adopting an addendum to the report by Mrs Langenhagen (PPE, D), the European Parliament explained in particular that the labelling rules for ingredients in beverages with an alcoholic strength of more than 1.2% by volume are applicable within two years of the entry into force of the directive. The sale of products not conforming to the directive within 24 months of its entry into force (48 months for all beverages with an alcoholic content of over 1.2% by volume) is prohibited. The Commission is to report to the European Parliament on any anomalies and derogations to the directive within three years. Member States must ensure that they prohibit foodstuffs being offered for sale in their territories if the information specified in Article 3 and Article 4(2) does not appear in the official language or languages of the Member State where the product is offered for sale, unless other steps are taken to inform purchasers. Foodstuffs, processing aids and flavourings produced or constituted by genetically modified organisms must be shown in the list of ingredients and marked to indicate that they have been produced by genetic engineering methods or contain genetically modified organisms. ?

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Commission's amended proposal took account of the European Parliament's amendments concerning: - the reference to the EEC regulations on designations of origin and certificates of specific character; - the extension of the definition of small packaging; - the submission of a report to the European Parliament on the exemptions that could be adopted for certain foodstuffs in the context of vertical directives. In addition, the Commission approved in part the amendments concerning: - the criteria for applying the principle of indicating the quantities of ingredients where it clarified the concept of relief; - the deadline for banning products that did not comply with the directive, namely 30 June 1994, which corresponded to the 24-month period proposed by the European Parliament. Finally, the Commission rejected the amendments concerning: - the inclusion of a definition of foodstuff; - the requirement to include the trade description alongside the brandname or mark; - the inclusion of a specific reference when the foodstuff or one of its ingredients had been genetically modified; - the compulsory indication of the source of the starches listed in Annex I to the directive; - the inclusion of the official language of the Member State where the product was sold; - the amendment to Annex III concerning the indication of flavourings in the list of ingredients. ?

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Council finally adopted this common position, with the German delegation voting against, which took over two of Parliament's amendments that the Commission had incorporated in its amended proposal: - With regard to the name under which a product was sold, the Council completely redrafted Article 5 of Directive 79/112/EEC in order to take account of developments in the relevant case law of the Court of Justice (Smanor judgment, judgment in the "vinegar" case). The reference to the regulations governing designations of origin and certificates of specific character requested by the EP was rejected; - With regard to the indication of quantities of ingredients, the Council clarified certain principles with a view to facilitating their application in practice. Certain exceptions were included for cases where the indication of the quantity of an ingredient did not govern the choice of the consumer (e.g. rye bread, malt whisky). The amendment aimed at clarifying the concept of "relief" was accepted; - With regard to the technical aspect of products consisting of a single ingredient, the Council preferred to refer to the procedure of the Standing Committee on Foodstuffs to define products consisting of a single ingredient where it was necessary to clarify the nature of that ingredient; - With regard to the language used on labelling, the Council responded to Parliament's concerns (the language should be easily understood by the consumer), whilst incorporating certain changes to take account of specific national characteristics; - With regard to the deadline for implementation, the Council followed the EP's guidelines and set a deadline of 36 months after the entry into force of the directive; - With regard to the labelling of alcoholic drinks, the Council did not manage to find a solution; - Finally, with regard to the definition of small packaging, the Council did not accept the EP's amendment which was included in the Commission's amended proposal and which aimed to increase the largest surface area of small packaging from 10 cm<sup>2</sup> to 25 cm<sup>2</sup>. ?

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Commission approved the common position although it regretted that the aspect of indicating ingredients on the labels of alcoholic drinks had not been resolved. Since the Commission felt that the list of ingredients should appear on the labels of alcoholic drinks as soon as possible, it decided to maintain its proposal before the Council. ?

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Committee adopted the draft recommendation for second reading of Mr. Horst SCHNELLDHARDT (D, EPP) on the Amendment of Directive 79/112/EC on the approximation of laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.?

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## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The rapporteur stated that the aim was not to frighten consumers but simply to inform them, since the goal was to facilitate trade within the Union for both producers and consumers. The most important amendments related to the labelling of genetically modified organisms

(Amendment No 4), and the labelling of alcoholic beverages, especially wine (Amendments Nos 6, 14, 15 and 16). Commissioner Bangemann confirmed that the Commission could take over Amendments Nos 2, 5, 11, 18, 19, and 21; it could not, however, take over Amendments Nos 3, 4, 6, 14, 15, 16, 17 and 22.

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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In adopting the recommendation by Mr SCHNELHARDT (PPE, D), the European Parliament amended various aspects of the Council's common position: - it reintroduced an amendment relating to the trade description of foodstuffs, which should correspond to the name provided for in the European Community provisions applicable to it or, in the absence of such provisions, to the name customary in the Member State in which it is sold to the final consumer. The sales name used in the Member State of production should be supplemented by further information on the label (where this was necessary to prevent confusion with a comparable product in the Member State of marketing); - it added a derogation for products comprising a single ingredient (where the trade name was identical with the ingredient name or where the trade name enabled the nature of the ingredient to be clearly identified); - it stipulated that starches or modified starches that may contain "gluten" should always be described with their designation of origin. ?

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Commission decided to amend its proposal with a view to incorporating two of the amendments adopted by the EP at second reading. The Commission approved the two amendments to paragraph 1 of Article 5 which make the text easier to understand. It recognised that, in accordance with the principle of transparency, the restrictions to the derogation granted to foodstuffs consisting of a single ingredient should be defined in the framework directive rather than via a case-by-case procedure. However, the Commission could not accept the amendments aimed at: - changing the terminology regarding the provision on labelling additives contained in the ingredients of foodstuffs; - making it compulsory to always show a designation of origin in the case of modified starches containing gluten; - doing away with the derogation from the QUID in the fourth indent of Article 7(3a) which would make it compulsory to indicate the quantity of certain ingredients which would be of no use to the consumer. ?

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The Council noted that it was unable to agree to all the amendments made by the European Parliament to its common position on the amendment of Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. It therefore decided, together with the European Parliament, to convene the Conciliation Committee, pursuant to Article 189b of the Treaty.

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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Delegations from Parliament and the Council, sitting in the Conciliation Committee, reached an agreement on Wednesday evening on the labelling and advertising of foodstuffs. This agreement reflected Parliament's commitment to the basic principle of free trade in the European Union, as had been set out in the ruling from the Court of Justice of 26 October 1996 on 'béarnaise sauce', while the Council, representing the Member States, apparently wished to restrict the scope of this decision. The Court of Justice had in fact taken the view that Germany had infringed Article 30 of the EC Treaty, which prohibited quantitative restrictions on imports along with all measures of equivalent effect. In Germany the recipe for béarnaise sauce was traditionally based on butter and eggs. That country was now requiring that imported sauces produced using a different recipe should state 'vegetable oil-based béarnaise sauce' rather than the generic title 'béarnaise sauce'. The Court took the view that Germany was not justified in requiring this form of labelling because it considered that the term 'béarnaise sauce' was sufficient information in itself. The conciliation text therefore stipulated that, apart from in exceptional cases, a product could be sold in other Member States under the legal name that applied to it in the country of production. However, in order to take account of pressure from certain Member States following the 'béarnaise sauce' ruling the compromise specified that the sales name could also feature other information affixed to it. The parliamentary delegation was insistent, however, that such measures could only be introduced insofar as the list of ingredients (and other provisions contained in the directive) did not allow consumers in the Member State in which the product was being marketed to check the true nature of the food product in question and if there was a risk of confusion with other products. For its part the parliamentary delegation considered that once the 'béarnaise sauce' ruling had clearly indicated that the list of ingredients should be sufficient to prevent any confusion on the part of the consumer, this descriptive information would not be applied. Moreover, the parliamentary delegation was of the opinion that the wording of the Treaty should prevail over any secondary legislation. In addition, in respect of persons suffering from allergies Parliament had obtained an agreement from the Council to the effect that products containing starches, which were also likely to contain gluten, should always be described with their specific vegetable origin. The Conciliation Committee met after Parliament had adopted five amendments to the common position previously adopted by the Council, this having been done at the second reading on 25 October 1995. However, the parliamentary delegation stressed that it would only recommend adoption in plenary if the Commission undertook to present a specific proposal on the labelling of alcoholic drinks, as these were not covered by the present Directive.

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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The rapporteur, Mr Schnellhardt (EPP, D), thought that the conciliation process had turned out very well for Parliament and, by extension, for the consumer. The most important amendments were to be taken over by the Directive, and more especially the derogations granted were to be included directly in the final text together with those provisions relating to starch. The rapporteur concluded by recalling that Commissioner Bangemann had been in favour of a proposal for a directive on the labelling of alcoholic products. Commissioner Monti declared that the Commission had been won over by the current compromise and had welcomed the improvement in the information being provided to

consumers and the fact that this directive would promote the free movement of foodstuffs within the single market. Finally, he said that the Commission had undertaken to present a new proposal for a directive on the labelling of alcoholic drinks.

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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Parliament approved the joint text 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. ?

## Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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OBJECTIVE: to improve the provisions on labelling as regards the precise nature and characteristics of products with a view to assuring better information for consumers and encouraging the free movement of goods. COMMUNITY MEASURE: European Parliament and Council Directive 97/4/EC amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. SUBSTANCE: the directive introduces the principle of the quantitative indication of certain ingredients. The sales name should not be such as to mislead the consumer as to the characteristics of the foodstuff. It must correspond to the name provided for this foodstuff in the Community provisions or, in the absence of such provisions, to the name provided for by the Member State where the sale is being made to the end consumer of this foodstuff. Failing that, the sales name shall be the name customary in the Member State where the sale is being made to the final consumer or by a description of the foodstuff and, if necessary, its use, which is sufficiently precise to allow the purchaser to avoid any confusion with a comparable product. The directive also specifies the exemption enjoyed by products made from a single ingredient. Member States must modify their legislation as follows: - allow trade in products in accordance with the directive by 14 August 1998; - prohibit trade in products which do not conform by 14 February 2000. ENTRY INTO FORCE: 14/02/1997 ?