











Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2014/0096(COD) Procedure completed
Caseins and caseinates intended for human consumption	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 ENVI Environment, Public Health and Food Safety	 LA VIA Giovanni	24/07/2014
		Shadow rapporteur	
		 MELIOR Susanne	
		 GIRLING Julie	
		 HUITEMA Jan	
		 EICKHOUT Bas	
		 PEDICINI Piernicola	
	Former committee responsible		
	 ENVI Environment, Public Health and Food Safety		
Committee for opinion	Rapporteur for opinion	Appointed	
 IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.		
Former committee for opinion			
 IMCO Internal Market and Consumer Protection			
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3421	10/11/2015
European Commission	Commission DG	Commissioner	
	Health and Food Safety	ANDRIUKAITIS Vytenis Povilas	
European Economic and Social Committee			

Key events			
02/04/2014	Committee referral announced in Parliament, 1st reading		
	Committee referral announced in		

20/10/2014	Parliament, 1st reading		
24/02/2015	Vote in committee, 1st reading		
24/02/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
05/03/2015	Committee report tabled for plenary, 1st reading	A8-0042/2015	Summary
25/06/2015	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE618.199 GEDAT/(2017)006843	
06/10/2015	Debate in Parliament		
07/10/2015	Results of vote in Parliament		
07/10/2015	Decision by Parliament, 1st reading	T8-0340/2015	Summary
10/11/2015	Act adopted by Council after Parliament's 1st reading		
25/11/2015	Final act signed		
25/11/2015	End of procedure in Parliament		
01/12/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0096(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/00393

Documentation gateway

Legislative proposal		COM(2014)0174	20/03/2014	EC	Summary
Economic and Social Committee: opinion, report		CES2896/2014	04/06/2014	ESC	
Committee draft report		PE546.615	12/01/2015	EP	
Amendments tabled in committee		PE549.116	13/02/2015	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0042/2015	05/03/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0340/2015	07/10/2015	EP	Summary
Draft final act		00037/2015/LEX	25/11/2015	CSL	
Commission response to text adopted in plenary		SP(2015)750	10/12/2015	EC	

Coreper letter confirming interinstitutional agreement	GEDA/T/(2017)006843	14/07/2017	CSL	
Follow-up document	COM(2020)0074	02/03/2020	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2015/2203](#)
[OJ L 314 01.12.2015, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Caseins and caseinates intended for human consumption

PURPOSE: to replace Directive 83/417/EEC on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption, in the new legal context created by the Lisbon Treaty.

PROPOSED ACT: Directive of the European Parliament and the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Council Directive 83/417/EEC provides for the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.

Since the entry into force of that Directive several changes have taken place, notably the development of a comprehensive legal framework in the area of food law and the adoption of an international standard by the Codex Alimentarius for edible casein products, which need to be taken into account.

Directive 83/417/EEC confers powers on the Commission in order to implement some of its provisions. As a consequence of the entry into force of the Lisbon Treaty, those powers need to be aligned to Article 290 of the Treaty on the Functioning of the European Union (the Treaty) which allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

For the sake of clarity, Directive 83/417/EEC should therefore be repealed and replaced with a new Directive

CONTENT: the proposal is aimed at designing the Commission's empowerment in the new legal context created by the Lisbon Treaty. It also takes account of the further development of legislation in the past years and of existing, updated international standards.

The proposal:

- identifies the need for delegated power to be conferred on the Commission for the purpose of adopting amendments to Annexes I and II and establishes the corresponding procedure for adoption of these acts in the new legal context determined by the entry into force of Articles 290 and 291 of the TFEU;
- adapts existing provisions to the further development of legislation notably in the field of food law;
- adjust, where appropriate, the composition requirements of edible caseins to the corresponding Codex standard. This adjustment results in two changes: the maximum moisture content of edible casein is increased from 10 to 12% and the maximum milk fat content of edible acid casein is decreased from 2.25 to 2%. With this change, the compositional requirements laid down in the proposal are fully in line with the international standard so as to avoid trade distortions.

Moreover the proposal takes into consideration the need for the Member States to have some margin to adapt the implementation to the national legal and administrative environment, in particular with reference to the possible adoption of national measures in matters not specifically harmonised by the proposal.

Caseins and caseinates intended for human consumption

The Committee on the Environment, Public Health and Food Safety adopted the report by Giovanni LA VIA (EPP, IT) on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC.

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal. The amendments seek in particular to:

- recall that under Regulation No 1169/20116 of the European Parliament and of the Council, sufficient information is to be provided in business to business relations in order to ensure the presence and accuracy of food information for the final consumer;
- update the definition of caseine, a technical update that will bring the legislation in line with Codex Standard N290 for edible casein by using the same definitions (International food standards as defined by the FAO and WHO);

- propose that the power to adopt delegated acts in order to adapt the Annexes to international standards and technical progress should not be conferred on the Commission for an unlimited period of time, but rather for 5 years. In order for the co-legislators to decide whether to extend the delegation of powers, the Commission shall draw up a report in this regard at the latest 9 months before the end of the 5-year period;
- propose to set an ambitious yet realistic date for the implementation of this Directive in the Member States (six months after the entry into force of this Directive instead of 31 March).

To conclude, Members suggested a technical amendment in order to ensure that the Directive is perfectly aligned to the Codex Alimentarius as well as an amendment aiming to calculate the milk protein content on the basis of the absolute weight of the product (instead of on the basis of the dried extract).

Caseins and caseinates intended for human consumption

The European Parliament adopted by 642 votes to 54, with 9 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Objectives of the Directive: the Directive seeks to facilitate, through approximation of the laws of the Member States, the free movement of caseins and caseinates intended for human consumption while providing a high level of protection of health, and to bring existing provisions into line with general Union legislation on food and with international standards.

Updated definitions: for the purposes of this Directive, the following definitions apply:

- edible acid casein means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk;
- edible rennet casein means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes;
- edible caseinate means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying.

This Directive should use the terms 'food additives' and 'processing aids' in respect of the standards applicable to edible caseins and edible caseinates. Such use of terminology would also be in line with the Codex standard for edible casein products.

Under [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council, sufficient information is to be provided in business to business relations in order to ensure the presence and accuracy of food information for the final consumer. It is stipulated that particulars shall be marked on the packages, containers or labels of the milk products in easily visible, clearly legible and indelible characters.

Where the minimum milk protein content set out in Annexes I and II is exceeded in the milk products, this fact may, without prejudice to other provisions of Union law, be adequately marked on the packages, containers or labels of the product.

Delegated acts: the Commission shall be empowered to adopt delegated acts to amend the standards set out in the Annexes. The power to adopt delegated shall be conferred on the Commission for a period of five years which may be tacitly extended for periods of an identical duration.

Transposition: the Directive shall be transposed at the latest 12 months after the entry into force of this Directive.

Caseins and caseinates intended for human consumption

PURPOSE: to facilitate the free movement of caseins and caseinates intended for human consumption while providing a high level of protection of health, and to bring existing provisions into line with general Union legislation on food and with international standards.

LEGISLATIVE ACT: Directive (EU) 2015/2203 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC.

CONTENT: this Directive applies to caseins and caseinates which are intended for human consumption and mixtures thereof.

It repeals Council Directive 83/417/EEC which provides for the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.

Since the entry into force of that Directive, several changes have taken place, in particular the development of a comprehensive legal framework in the area of food law and the adoption of an international standard for edible casein products by the Codex Alimentarius Commission which need to be taken into account.

In addition, Directive 83/417/EEC confers powers on the Commission in order to implement some of its provisions. As a consequence of the entry into force of the Lisbon Treaty, those powers need to be aligned to Article 290 of the Treaty on the Functioning of the European Union.

The new Directive:

- updates definitions such as: edible acid casein; edible rennet casein; edible caseinate. This Directive should use the terms 'food additives' and 'processing aids' in respect of the standards applicable to edible caseins and edible caseinates. Such use of terminology would also be in line with the Codex standard for edible casein products;
- adjust, where appropriate, the composition requirements of edible caseins to the corresponding Codex standard. This adjustment results in two changes: the maximum moisture content of edible casein is increased from 10 to 12% and the maximum milk fat content of edible acid casein is decreased from 2.25 to 2%;

- lays down the obligations of Member States: the aim is to ensure that: (i) the milk products are marketed, under the names specified therein, only if they comply with the rules laid down in this Directive; (ii) caseins and caseinates which do not comply with the standards set out in the Directive are not used for the preparation of food, and, where lawfully marketed for other purposes, are named and labelled in such a way that the purchaser is not misled as to their nature, quality or intended use;
- provides labelling measures: under [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council, sufficient information is to be provided in business to business relations in order to ensure the presence and accuracy of food information for the final consumer. The Directive stipulated that particulars shall be marked on the packages, containers or labels of the milk products in easily visible, clearly legible and indelible characters.

Lastly, the Directive seeks to align the provisions conferring implementing powers on the Commission with the rules introduced by the Lisbon Treaty.

ENTRY INTO FORCE: 21.12.2015.

TRANSPOSITION: 22.12.2016.

DELEGATED ACTS: the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the standards applicable to edible caseins and edible caseinates laid down in Annexes I and II. The power to adopt delegated acts shall be conferred on the Commission for a period of five years (renewable) from 21 December 2015. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects, the delegated act shall not enter into force.