

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0217/2001

20 June 2001

REPORT

on the draft Council directives concerning the simplification of the vertical directives on foodstuffs:

Proposals for Council directives relating to:

1. certain sugars intended for human consumption
(14003/1999 - C5-0346/1999 - 1996/0113(CNS))
2. honey
(8701/2000 – C5-0347/1999 - 1996/0114(CNS))
3. fruit juices and certain similar products intended for human consumption
(13760/1999 – C5-0348/1999 - 1996/0115(CNS))
4. certain partly or wholly dehydrated preserved milk for human consumption
(14002/1999) – C5-0349/1999 – 1996/0116(CNS)
5. fruit jams, jellies and marmalades and chestnut purée intended for human consumption
(7138/2000 – C5-0350/1999 – 1996/0118 (CNS))

(Renewed consultation)

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Paul Lannoye

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sittings of 14 January 1998 and 4 May 1999 Parliament adopted its position on the proposals for Council directives relating to certain sugars intended for human consumption (COM(1995)0722 – 1996/0113(CNS), honey (COM(1995)0722 – 1996/0114(CNS), fruit juices and certain similar products intended for human consumption (COM(1995)0722 – 1996/0115 (CNS), certain partly or wholly dehydrated preserved milk for human consumption (COM(1995)0722 – 1996/0116(CNS) and fruit jams, jellies and marmalades and chestnut purée intended for human consumption (COM(1995)0722 – 1996/0118(CNS).

By letter of 22 December 1999 the Council consulted Parliament again, under Article 37 of the EC Treaty, on the proposals for Council directives relating to certain sugars intended for human consumption, honey, fruit juices and certain similar products intended for human consumption, certain partly or wholly dehydrated preserved milk for human consumption and fruit jams, jellies and marmalades and chestnut purée intended for human consumption.

At the sitting of 17 January 2000 the President of Parliament announced that she had referred these drafts to the Committee on the Environment, Public Health and Consumer Policy as committee responsible and to the Committee on Agriculture and Rural Development for its opinion.

The Committee on the Environment, Public Health and Consumer Policy confirmed Paul A.A.J.G. Lannoye rapporteur at its meeting of 21 November 2000.

It considered the Council drafts and the draft report at its meetings of 11 April 2001 and 19 June 2001.

At the last meeting it adopted the draft legislative resolutions n° 1, n° 2, n° 4 and n° 5 unanimously and n° 3 unopposed with 2 abstentions.

The following were present for the vote: Caroline F. Jackson, chairman; Guido Sacconi, vice chairman; Alexander de Roo, vice-chairman; Ria G.H.C. Oomen-Ruijten, vice-chairman; Paul A.A.J.G. Lannoye, rapporteur; Per-Arne Arvidsson, Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Nirj Deva, Avril Doyle, Jillian Evans (for Marie Anne Isler Béguin), Anne Ferreira, Jim Fitzsimons, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Laura González Álvarez, Françoise Grossetête, Cristina Gutiérrez Cortines, Christopher Heaton-Harris (for María del Pilar Ayuso González), Anneli Hulthén, Christa Klab, Eija-Riitta Anneli Korhola, Bernd Lange, Jules Maaten, Minerva Melpomeni Malliori, Maria Martens (for Marialiese Flemming), Patricia McKenna, Jorge Moreira da Silva, Rosemarie Müller, Riitta Myller, Giuseppe Nisticò, Karl Erik Olsson, Béatrice Patrie, Marit Paulsen, Frédérique Ries, Dagmar Roth-Behrendt, Inger Schörling, Jonas Sjöstedt, Renate Sommer (for Peter Liese), María Sornosa Martínez, Catherine Stihler, Marianne L.P. Thyssen (for Emilia Franziska Müller), Roseline Vachetta, Kathleen Van Brempt (for Carlos Lage), Phillip Whitehead.

The Committee on Agriculture and Rural Development decided on 29 May 2001 not to deliver an opinion.

The report was tabled on 20 June 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

1. Draft Council directive relating to certain sugars intended for human consumption (14003/1999 - C5-0346/1999 - 1996/0113(CNS))

Council draft¹

Amendments by Parliament

Amendment 1
Annex, part A, Paragraph -1 (new)

-1 (new) Brown sugar

***To be defined by ... (6 months after
adoption of this directive)***

Justification:

In order to protect consumers, this type of sugar should be defined.

¹ Not yet published in OJ.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the draft Council directive relating to certain sugars intended for human consumption (14003/1999 - C5-0346/1999 - 1996/0113(CNS))

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (14003/1999¹),
 - having regard to the Commission proposal to the Council (COM(1995) 722²)
 - having regard to its position of 14 January 1998³ and 4 May 1999⁴,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0346/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0217/2001),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

² OJ C 231, 9.8.1996, p. 6

³ OJ C 34, 2.2.1998, p. 58 + 84

⁴ OJ C 279, 1.10.1999, 24 + 90

LEGISLATIVE PROPOSAL

2. Draft Council directive relating to honey (8701/2000 – C5-0347/1999 - 1996/0114(CNS))

Council draft¹

Amendments by Parliament

Amendment 1 Recital 6 a

6a. No pollen or other individual ingredient of honey must be removed, unless that is inevitable when organic and inorganic foreign materials are removed; that process may be carried out by filtering; where such filtering leads to the removal of a significant quantity of pollen, the consumer must be correctly informed to that effect by means of an appropriate indication on the label;

Deleted

Justification:

With a view to preserving the quality of honey and protecting consumers, methods leading to a significant quantity of pollen being removed from the honey should not be permitted. The concept of 'filtered honey' should therefore be removed from this proposal for a directive.

Amendment 2 Recital 6b

6b. Honey the name of which includes indications concerning floral, vegetable, regional, territorial or topographical origin or specific quality criteria may not have filtered honey added to it, and so that the transparency of the market may be improved the labelling of **filtered honeys and** baker's honeys must be mandatory for every transaction on the bulk market.

6b. Honey the name of which includes indications concerning floral, vegetable, regional, territorial or topographical origin or specific quality criteria may not have **baker's or** filtered honey added to it, and so that the transparency of the market may be improved the labelling of baker's honeys must be mandatory for every transaction on the bulk market.

¹ Not yet published in OJ

Justification

Honey the name of which includes indications concerning floral, vegetable, regional, territorial or topographical origin or specific quality criteria is quality honey, and the risk must not be run that its quality might be threatened by the advent of honeys of inferior quality, such as filtered honey or baker's honey.

Amendment 3
Recital 7

7. **As the Commission stressed in** its communication to the European Parliament and the Council of 24 June 1994 on European apiculture, the Commission **may** adopt methods of analysis to ensure compliance with the compositional characteristics and additional specific statements for all honey marketed in the European Community.

7. **In accordance with** its communication to the European Parliament and the Council of 24 June 1994 on European apiculture, the Commission **must** adopt methods of analysis to ensure compliance with the compositional characteristics and additional specific statements for all honey marketed in the European Community.

Justification:

Unless methods of analysis are adopted, it will not be possible to verify compliance with the legislation.

Amendment 4
Recital 7 a

7a. **It is desirable to take account of the** work achieved on a new Codex standard for honey, adjusted, as appropriate, to the specific requirements of the Community.

7a. **The** work achieved on a new Codex standard for honey **may be taken into account**, adjusted, as appropriate, to the specific requirements of the Community.

Justification:

The Codex system should not be allowed to take the place of the European authorities.

Amendment 5
Article 2, paragraph 2, subparagraph 1

2. The product names referred to in Annex I(2) and (3) shall apply only to the products defined therein and must be used in trade to designate them. These names may be replaced by the simple product name "honey", except in the case of

2. The product names referred to in Annex I(2) and (3) shall apply only to the products defined therein and must be used in trade to designate them. These names may be replaced by the simple product name "honey", except in the case of comb

filtered honey, comb honey, chunk honey or cut comb in honey and baker's honey.

honey, chunk honey or cut comb in honey and baker's honey.

Justification:

See amendment 1.

Amendment 6

Article 2, paragraph 2, subparagraph 1

2. The product names referred to in Annex I(2) and (3) shall apply only to the products defined therein and must be used in trade to designate them. These names may be replaced by the simple product name "honey", except in the case of filtered honey, comb honey, chunk honey or cut comb in honey and **baker's honey**.

2. The product names referred to in Annex I(2) and (3) shall apply only to the products defined therein and must be used in trade to designate them. These names may be replaced by the simple product name "honey", except in the case of filtered honey, comb honey, chunk honey or cut comb in honey and **honey for industry**.

(only concerns the English version. For reasons of consistency of the text, 'baker's honey' should be replaced throughout by 'honey for industry', and in particular in Annex I, part 3.)

Justification:

The English and French versions must be in agreement.

Amendment 7

Article 2, paragraph 2, indent 2

– except in the case of **filtered honey** **and** baker's honey, the product names may be supplemented by information referring to:

– except in the case of baker's honey, the product names may be supplemented by information referring to:

Justification:

See amendment 1.

Amendment 8

Article 2, paragraph 2, indent 3

- floral or vegetable origin, if the product comes wholly or **mainly** from the indicated source and possesses the organoleptic, physico-

- floral or vegetable origin, if the product comes wholly or **essentially** from the indicated source and possesses the organoleptic, physico-

chemical and microscopic
characteristics of the source;

chemical and microscopic
characteristics of the source;

(only concerns the English version)

Justification:

The English and French versions must be in agreement.

Amendment 9
Article 2 a

In the case of baker's honey **and filtered honey**, bulk containers, packs and trade documents shall clearly indicate the full product name, as referred to in Annex I, **Part 2, point (b)(8), and** Part 3.

In the case of baker's honey, bulk containers, packs and trade documents shall clearly indicate the full product name, as referred to in Annex I, Part 3.

Justification:

See amendment 1.

Amendment 10
Article 3

The Commission **may** adopt methods to permit verification of compliance of honey with the provisions of this Directive. These methods shall be adopted in accordance with the procedure laid down in Article 6(2). Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods such as those approved by Codex Alimentarius to verify compliance with the provisions of this Directive.

The Commission **must** adopt methods to permit verification of compliance of honey with the provisions of this Directive. These methods shall be adopted in accordance with the procedure laid down in Article 6(2). Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods such as those approved by Codex Alimentarius to verify compliance with the provisions of this Directive.

Justification:

See amendment 3.

Amendment 11
Annex I, part 2, (8)

8. Filtered honey

Deleted

Honey obtained by removing foreign inorganic or organic matter in such a way as to result in the significant removal of pollen.

Justification:

See amendment 1.

Amendment 12
Annex II, introductory part, paragraph 2

When placed on the market as honey or used in any product intended for human consumption, honey shall not have added to it any food ingredient, ***including*** food additives, ***nor shall any other additions be made other than honey.*** Honey must, as far as possible, be free from organic or inorganic matters foreign to its composition. With the exception of point 3 of Annex I, it must not have any foreign tastes or odours, have begun to ferment, have an artificially changed acidity or have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated.

When placed on the market as honey or used in any product intended for human consumption, honey shall not have added to it any ***other*** food ingredient. ***The addition of*** food additives ***shall not be permitted.*** Honey must, as far as possible, be free from organic or inorganic matters foreign to its composition. ***It must on no account contain any substances in quantities which may pose a risk to human health.*** With the exception of point 3 of Annex I, it must not have any foreign tastes or odours, have begun to ferment, have an artificially changed acidity or have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated.

Justification:

The amendment redrafts the text in order to make it clearer. It is important to ensure that honey, and in particular honey for industry, does not contain any harmful substances.

Amendment 13
Annex II, introductory part, paragraph 3

Without prejudice to Annex I, part 2, point 8, no pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.

It shall not be permitted to remove from honey constituents particular to it, such as pollen.

Justification:

See amendment 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the draft Council directive relating to honey (8701/2000 – C5-0347/1999 - 1996/0114(CNS))

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (8701/2000¹)
 - having regard to the Commission proposal to the Council (COM(1995) 722²)
 - having regard to its position of 14 January 1998³ and 4 May 1999⁴,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0346/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0217/2001),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

² OJ C 231, 9.8.1996, p. 6

³ OJ C 34, 2.2.1998, p. 58 + 84

⁴ OJ C 279, 1.10.1999, 24 + 90

LEGISLATIVE PROPOSAL

3. Draft Council directive relating to fruit juices and certain similar products intended for human consumption (13760/1999 – C5-0348/1999 - 1996/0115(CNS))

Council draft¹

Amendments by Parliament

Amendment 1 Article 3, Paragraph 5

The restoration of the products defined in Part I of Annex I to their original state, by means of the substances strictly necessary for this operation, shall not entail an obligation to enter on the labels a list of the ingredients used for this purpose.

The addition to fruit juice of extra pulp or cells as defined in Annex II shall be indicated on the labelling.

The restoration of the products defined in Part I of Annex I to their original state, by means of the substances strictly necessary for this operation, shall not entail an obligation to enter on the labels a list of the ingredients used for this purpose.

However, the addition to fruit juice and to fruit juice from concentrate of flavours, pulp and cells defined in Annex I, Part I, point 1, paragraphs (a) and (b), which have not been separated from that juice during its processing but derived from the juice of a fruit of the same kind, must be indicated on the labelling.

The addition to fruit juice of extra pulp or cells as defined in Annex II shall be indicated on the labelling.

Justification

The aim of this amendment is to give consumers the best possible information concerning the composition of the juice they buy.

Amendment 2 Article 3, Paragraph 6

¹ Not yet published in OJ

6. Without prejudice to Article 7, paragraphs 2 and 5 of Directive 79/112/EEC, **for mixtures of fruit juice and fruit juice from concentrate, and for** fruit nectar obtained entirely or partly from **one or more concentrated products**, the labelling must bear the words "made with concentrate(s)" **or "partially made with concentrate(s)", as appropriate**. That information **must be entered close to the** product name, **standing** out well from any background, **in clearly visible characters**.

6. Without prejudice to Article 7, paragraphs 2 and 5 of Directive 79/112/EEC, **for fruit juice or** fruit nectar obtained entirely or partly from **a concentrated product**, the labelling must bear the words "made with concentrate(s)". That information **shall accompany any** product name **which appears on the label, must stand** out well from any background **and must be positioned directly below the product name**. **The type size of the lettering used to convey this information shall be large enough to ensure that consumers are informed**.

Justification

The description on the product must make it clear that in both cases it comprises fruit juices to which different production processes have been applied.

Amendment 3 Article 3 a

The labelling of concentrated fruit juice referred to in part I point 2 of Annex I not intended for delivery to the final consumer must mention the presence and quantity of added sugars, **or added** lemon juice or acidifying agents (as permitted by Directive 95/2/EC). This reference shall appear on the packaging, on a label attached to the packaging or on an accompanying document."

The labelling of concentrated fruit juice referred to in part I point 2 of Annex I not intended for delivery to the final consumer must mention the presence and quantity of added sugars, lemon juice or acidifying agents (as permitted by Directive 95/2/EC). This reference shall appear on the packaging, on a label attached to the packaging or on an accompanying document."

Justification:

Amendment relating to the form of the text.

Amendment 4 Annex I, Part I, Paragraph 1, letter (a) subparagraph 1

The fermentable but unfermented product obtained from fruit which is sound and ripe, fresh or preserved by chilling, of one or

The fermentable but unfermented product obtained from fruit which is sound and ripe, fresh or preserved by chilling, **without the**

more kinds mixed together, having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes. ***Flavour, pulp and cells from the juice which are separated during processing may be restored to the same juice.***

use of any fungicides, of one or more kinds mixed together, having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

Justification

The aim is to separate effectively the two amendments concerning Annex I, Part I, Paragraph 1(a).

The addition of flavours, pulp and cells is dealt with in Annex I, Part II, Paragraph 1 and need not, therefore, be mentioned here.

Amendment 5 Annex I, part I, point 1, (b)

(b) The product obtained ***by replacing in the concentrated fruit juice water extracted from that juice during concentration, and restoring the flavours, and, if appropriate, pulp and cells lost from the juice but recovered during the process of producing the fruit juice in question or of fruit juice of the same kind.*** The water added must display appropriate characteristics, particularly from the chemical, microbiological and organoleptic viewpoints, in such a way as to guarantee the essential qualities of the juice.

(b) The product obtained ***from*** concentrated fruit juice ***by***

- the restoration of the proportion of water extracted from the juice when it was concentrated,

and

- the restoration of its flavour by means of the volatiles collected during the concentration of the fruit juice in question or from the juice of fruits of the same kind.

The water added must display appropriate characteristics, particularly from the chemical, microbiological and organoleptic viewpoints, in such a way as to guarantee the essential qualities of the juice.

Added water must display the following characteristics:

Nitrate: must not exceed 25 mg/l

Sodium: must not exceed 20 mg/l

Electrical conductivity: must not exceed 400 microsiemens/cm

Calcium: must not exceed 100 mg/l
Magnesium: must not exceed 30 mg/l
Potassium: must not exceed 10 mg/l
Chloride: must not exceed 25 mg/l

The product thus obtained must display organoleptic and analytical characteristics at least equivalent to those of an average type of juice obtained from fruits of the same kind within the meaning of (a) above.

The product thus obtained must display organoleptic and analytical characteristics at least equivalent to those of an average type of juice obtained from fruits of the same kind within the meaning of (a) above.

Justification:

The amendment redrafts the text in order to make it clearer and to avoid any ambiguity.

The description on the product must make it clear that in both cases it comprises fruit juices to which different production processes have been applied.

Amendment 6
Annex I, Part II, Paragraph 1, second indent

- ***In part 1 of Annex I, flavour, pulp and cells restored to fruit juice defined in 1(a) must have been separated from that juice during processing, whereas flavour, pulp and cells restored to fruit juice defined in 1(b) can also be from fruit juice of the same kind.***
- ***For products referred to in headings I(1) (a) and (b), (2), (3) and (4) of this annex flavour, pulp and cells may be restored, provided that they are obtained from the fruit which gives the juice its name. For grape juice only, salts of tartaric acids may be restored.***

Justification

The amendment serves to clarify and simplify the provision.

Amendment 7
Annex I, part II, point 1, indent 3, subparagraph 3

– For products referred to in 1, 2, 3 and 4, in order to regulate ***acidic taste***, the addition of lemon juice and/or concentrated lemon juice up to 3g per litre of juice,

– For products referred to in 1, 2, 3 and 4, in order to regulate ***acidity***, the addition of lemon juice and/or concentrated lemon juice up to 3g per litre of juice, expressed as anhydrous citric acid, is authorised;

expressed as anhydrous citric acid, is authorised;

Justification:

Amendment relating to the form of the text.

Amendment 8
Annex I, part II, point 2, indent 3

– ***For grape juice, where*** sulfitation with sulphur dioxide ***of the grapes has been used, desulfitation by physical means is authorised***, provided that the total quantity of SO₂ present in the final product does not exceed 10 mg/l;

– ***Grape juice may be obtained from grapes treated by means of*** sulfitation with sulphur dioxide, provided that the total quantity of SO₂ present in the final product does not exceed 10 mg/l. ***Desulfitation by physical means is authorised***;

Justification:

Amendment relating to the form of the text.

Amendment 9
Annex I, part II, point 2, indent 13

– Chemically inert adsorption adjuvants which comply with the Directives on materials and articles intended to come into contact with foodstuffs, and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the ***limonoid glucosides***, acid, sugars (including oligosaccharides) or mineral content.

– Chemically inert adsorption adjuvants which comply with the Directives on materials and articles intended to come into contact with foodstuffs, and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the acid, sugars (including oligosaccharides) or mineral content: ***(positive list of authorised substances to be laid down within 6 months).*** ***During the de-bittering process limonoid glucosides may be removed as far as technologically necessary.***

Justification:

With a view to improving food safety, a positive list of adjuvants should be drawn up. During the debittering process, only the bitter substances, namely the limonoid and naringin content of a lemon juice, is reduced. This does not significantly alter the fruit juice.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the draft Council directive relating to fruit juices and certain similar products intended for human consumption (13760/1999 – C5-0348/1999 - 1996/0115(CNS))

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (13760(1999¹))
 - having regard to the Commission proposal to the Council (COM(1995) 722²)
 - having regard to its position of 14 January 1998³ and 4 May 1999⁴,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty(C5-0346/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0217/2001),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

² OJ C 231, 9.8.1996, p. 6

³ OJ C 34, 2.2.1998, p. 58 + 84

⁴ OJ C 279, 1.10.1999, 24 + 90

LEGISLATIVE PROPOSAL

4. Draft Council directive relating to certain partly or wholly dehydrated preserved milk for human consumption (14002/1999 – C5-0349/1999 – 1996/0116(CNS))

Council draft¹

Amendments by Parliament

Amendment 1 Article 5

Any adaptations necessary to bring this Directive into line with general Community legislation on foodstuffs and adapt it to technical progress shall be adopted in accordance with the procedure laid down in Article 6.

Any adaptations necessary to bring this Directive into line with general Community legislation on foodstuffs and adapt it to technical progress **and international standards** shall be adopted in accordance with the procedure laid down in Article 6.

Justification

Adaptations of this directive should be permitted for the purpose of bringing it into line not only with technical progress but also with international standards (e.g. the Codex Alimentarius), so that producers within the EU can operate under competitive conditions equivalent to those enjoyed by producers from countries outside the EU.

¹ Not yet published in OJ

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the draft Council directive relating to certain partly or wholly dehydrated preserved milk for human consumption (14002/1999 – C5-0349/1999 – 1996/0116(CNS))

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (14002(1999¹))
 - having regard to the Commission proposal to the Council (COM(1995) 722²)
 - having regard to its position of 14 January 1998³ and 4 May 1999⁴,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty(C5-0346/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0217/2001),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

² OJ C 231, 9.8.1996, p. 6

³ OJ C 34, 2.2.1998, p. 58 + 84

⁴ OJ C 279, 1.10.1999, 24 + 90

LEGISLATIVE PROPOSAL

5. **Draft Council directive relating to fruit jams, jellies and marmalades and chestnut purée intended for human consumption (7138/2000 – C5-0350/1999 – 1996/0118 (CNS))**

The proposal is approved.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the draft Council directive relating to fruit jams, jellies and marmalades and chestnut purée intended for human consumption (7138/2000 – C5-0350/1999 – 1996/0118 (CNS))

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (7138/2000¹),
 - having regard to the Commission proposal to the Council (COM(1995) 722²),
 - having regard to its position of 14 January 1998³ and 4 May 1999⁴,
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0346/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0217/2001),
1. Approves the Council draft ;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ

² OJ C 231, 9.8.1996, p. 6

³ OJ C 34, 2.2.1998, p. 58 + 84

⁴ OJ C 279, 1.10.1999, 24 + 90

B.

EXPLANATORY STATEMENT

I. Introduction

During the last parliamentary term, the Commission put forward proposals to simplify seven vertical directives on food. The aim was to restrict the legislation, which was considered to be excessively detailed, to the essential requirements to be met in order to ensure the free movement of goods within the Community. The foodstuffs concerned were:

- cocoa and chocolate products,
- certain sugars,
- honey,
- fruit juices,
- preserved milk,
- coffee and chicory extracts,
- jams, jellies and marmalades and chestnut purée.

Of the seven types of foodstuffs in question, five are classed as products covered by the Common Agricultural Policy, and Article 37 is therefore taken as the legal basis in these cases. They are:

- certain sugars,
- honey,
- fruit juices,
- preserved milk,
- jams, jellies and marmalades and chestnut purée.

The proposals for directives submitted by the Commission in respect of these five products were approved by the European Parliament, subject to certain amendments, at the part-sessions on 14 January 1998 and 4 May 1999.

The Council of Ministers has made fundamental changes to the original texts submitted by the Commission, requiring Parliament to be consulted again.

II. GENERAL ANALYSIS OF THE COMMISSION'S PROPOSALS

A. Changes common to the five directives

As regards committee procedure, the five Commission proposals for directives all include a provision that '*Any adaptations necessary to bring this Directive into line with general Community rules on foodstuffs and adapt it to technical progress*' are to be adopted in accordance with the committee procedure, meaning in this case an advisory committee pursuant to Article 2 of the 1987 decision.

The Council, in its proposals, has replaced this committee with a regulatory committee, as in the case of the cocoa and coffee extracts directives.

We do not see any objection to this change regarding committee procedure.

B. Other amendments by the Council to the five directives

1. As regards the **proposal for a directive relating to certain sugars intended for human consumption**, the only other important change compared with the Commission text is the introduction of 'Fructose' into the annex to the directive. As fructose is a sugar being used increasingly, we can only welcome this initiative. We take the view that 'brown sugar' should also be added to the annex, with a view to protecting consumers.

2. **The proposal for a directive relating to honey**, as drawn up by the Council, contains an important change. It provides for a new category of honey: 'filtered honey'. However, certain ultrafiltered honeys contain virtually no pollen, as a result of which their floral origin can no longer be determined. Even though the proposal stipulates that consumers must be properly informed in this connection, the inclusion of filtered honey on the list of the main types of honey in the proposal for a directive (Annex I) means leaving the door open to abuse (for example, it would be impossible to check whether or not a honey of floral origin contains any filtered honey). Consumers are likely to be misled as regards the actual quality of the honey purchased.

With regard to the indication of the floral or vegetable origin of a honey, the French version of the proposal made by the Council states that the honey must come '*entièrement ou **essentiellement***' from the indicated source, whilst the English version merely states that the product must come '*wholly or **mainly** from the indicated source*'. We consider it important that the two versions should tally. Similarly, the term corresponding in the English version to the term '*miel destiné à l'industrie*' used in the French version must be '*honey for industry*' rather than '*baker's honey*'. That is in accordance with the wishes of Parliament as expressed in the vote on the Commission proposal for a directive, in which Parliament voted to delete the term '*miel de pâtisserie*'.

For the rest, we regard it as important to ensure that honey, and in particular honey for industry, does not contain any substance which may pose a risk to human health. We have therefore proposed an amendment to that effect with regard to the composition criteria for honey as laid down in the Council proposal.

The Council proposal for a directive complies with Parliament's wishes in laying down a limit for hydroxymethylfurfural content for honeys for industry.

3. As regards the **proposal for a directive relating to fruit juices and certain similar products intended for human consumption**, the Council is proposing a very significant change by creating two distinct product names, 'Fruit juice' and 'Fruit juice from concentrate'. Although this represents a positive step, it has unfortunately resulted in a number of inconsistencies within the text. Moreover, fruit juice as defined in the proposal for a directive does not correspond to industrial practice, and the way is left open to fraud.

In order to produce a more coherent text, and with a view to adopting legislation corresponding to industrial practices, compliance with which is able to be verified, we suggest three product names: 'Pressed fruit juice'¹, 'Fruit juice from pressed fruit juice'² and 'Fruit juice from

¹ See Translator's note amendment 5, fruit juice draft directive.

² See Translator's note amendment 5, fruit juice draft directive.

concentrate'. We have also proposed a series of amendments intended to clarify the text and avoid any ambiguity.

In order to avoid contamination of juice or nectar with fungicides, fruit intended for production of juices and nectars must be preserved only by chilling.

As regards authorised treatments and substances, the proposal for a Council directive lays down a non-exhaustive list of filtration adjuvants and precipitation agents. We consider that, with a view to improving food safety, a positive list of substances should be adopted.

Polyvinylpyrrolidone, which contains residues of vinyl pyrrolidone (a substance that can cause cancers in animals), should not be included on that list. The same applies to polystyrene, for which no one has been able to say what use it has.

It is also important that a positive list of chemically inert adsorption adjuvants which may be used in the manufacture of fruit juices be drawn up within a reasonable time frame.

4. The proposal for a Council directive relating to certain partly or wholly dehydrated preserved milk for human consumption does not give rise to any objections.

5. As regards the proposal for a **Council directive relating to fruit jams, jellies and marmalades and chestnut purée intended for human**, we welcome the step taken by the Council to require residual sulphur dioxide to be indicated in the list of ingredients of products where the content is more than 10 mg/kg.

We consider that the addition of chemical flavourings to products covered by this directive should not be permitted, given the image of a quality product which these have for consumers. Vanillin should therefore not be included among the authorised additional ingredients, particularly as the proposal for a directive permits its use in all products, whilst the legislation currently in force limits its use to certain products.