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REPORT

on the proposal for a Council regulation amending Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk
(COM(2007)0058 – C6-0085/2007 – 2007/0027(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Elisabeth Jeggle

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation amending Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk
(COM(2007)0058 – C6-0085/2007 – 2007/0027(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0058)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0085/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0284/2007),
1. Approves the Commission proposal 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 if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 4

(4) In order to provide clarity for the consumers, such milk should however not be called whole milk, semi-skimmed milk or skimmed milk but ***have their*** fat content percentage clearly indicated on the

(4) In order to provide clarity for the consumers, such milk should however not be called whole milk, semi-skimmed milk or skimmed milk but ***the milk*** fat content percentage ***should be*** clearly indicated on

¹ Not yet published in OJ.

packaging.

the packaging *directly next to the product description*.

Justification

The criteria for a more precise product description (milk) and its packaging and/or labelling should be more clearly defined in the draft regulation.

Amendment 2

ARTICLE 1

Article 3, paragraph 1, subparagraph 2 (Regulation (EC) No 2597/97)

Heat-treated milk not complying with the fat content requirements laid down in points (b), (c) and (d) of the first subparagraph **may** be considered drinking milk provided that the fat content is clearly indicated and easily readable on the packaging in form of '**fat content of ...%**'. Such milk shall not be described as whole milk, semi-skimmed milk or skimmed milk. **Member States may allow producers to indicate the fat content in the form of '**fat content of ...% \pm 0.2%**'.**

Heat-treated milk not complying with the fat content requirements laid down in points (b), (c) and (d) of the first subparagraph **shall** be considered drinking milk ***in accordance with the definitions in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs***¹ provided that the fat content is clearly indicated and easily readable **and directly next to the product description** on the packaging in form of '**milk ...% fat**'. Such milk shall not be described as whole milk, semi-skimmed milk or skimmed milk.

¹ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2006/142/EC (OJ L 368, 23.12.2006, p. 110).

Justification

The link between the fat content and product description and the specific fat content should be indicated on the packaging. In addition, the scope should be more precisely expressed through a reference to Directive 2000/13/EC that lays down the general rules for food labelling.

There is no real need to include a margin of tolerance of ' \pm 0.2%' as it would have no

practical advantages. The introduction of such a tolerance margin could lead to (considerable) ambiguities and make harmonised implementation more difficult.

EXPLANATORY STATEMENT

European Commission

Council Regulation (EC) No 2597/97 currently recognises only three categories of drinking milk that can be produced and marketed in the Community. These are skimmed milk (maximum 0.5% fat), semi-skimmed milk (1.5% to 1.8% fat) and whole milk (at least 3.5% fat).

By amending Council Regulation (EC) No 2597/97 the Commission proposes to allow the production and marketing of drinking milk that does not comply with the present three categories in the European Union as long as a clear and easily readable indication of the fat content is present on the label.

As well as liberalising the drinking-milk market, the proposal also means that different (national) transitional provisions and derogations from the current limit of three milk categories will no longer be necessary.

Analysis

The proposal to introduce a more flexible definition of 'drinking milk' will lead to the liberalisation of the drinking-milk market. However, it should be noted that while the proposal may lead to increased flexibility with possible advantages for intra-Community trade and the consumer, it may also lead to consumer uncertainty and confusion. Thus it should be emphasised that the Commission's wording 'easily readable and visible' with regard to correct labelling is very broad and ambiguous.

The transitional provisions and derogations that allow for production and marketing of milk outside the three current categories form part of different accession treaties. These derogations will expire in 2009 and in any case will be invalid if this proposal is adopted.

Rapporteur's opinion and conclusions

The rapporteur welcomes the increased flexibility in the definition of drinking milk. The consumer's options and freedom of choice are increased. The proposed liberalisation measures may lead to a revival in intra-Community trade in milk products.

The rapporteur also welcomes the fact that the proposal contributes to simplifying European agricultural policy and its implementation as it makes many transitional provisions and derogations unnecessary.

The rapporteur is nevertheless concerned that allowing the production and marketing of drinking milk products outside the three current categories may lead to confusion and uncertainty for the consumer owing to the vagueness of the proposal for labelling. The rapporteur would like an unambiguous link between the product description and the existing labelling rules. Clearer and unambiguous product descriptions must therefore be sought.

In addition the rapporteur feels that it is not necessary to allow a margin of tolerance of '±0.2%' for the fat content indication. This rule does not lead to clarity and makes harmonised

implementation more difficult.

Therefore, despite her general support for the Commission's proposal for a more flexible approach, the rapporteur suggests making a few minor changes to the labelling and doing without the ' $\pm 0.2\%$ ' margin of tolerance.

PROCEDURE

Title	Additional rules on the common organisation of the market in milk and milk products for drinking milk (amendment of Regulation (EC) No 2597/97)		
References	COM(2007)0058 - C6-0085/2007 - 2007/0027(CNS)		
Date of consulting Parliament	7.3.2007		
Committee responsible Date announced in plenary	AGRI 15.3.2007		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 15.3.2007		
Not delivering opinions Date of decision	ENVI 27.3.2007		
Rapporteur(s) Date appointed	Elisabeth Jeggle 26.2.2007		
Discussed in committee	11.4.2007	4.6.2007	17.7.2007
Date adopted	17.7.2007		
Result of final vote	+: 31 -: 0 0: 0		
Members present for the final vote	Katerina Batzeli, Sergio Berlato, Bernadette Bourzai, Niels Busk, Luis Manuel Capoulas Santos, Giuseppe Castiglione, Albert Deß, Michl Ebner, Duarte Freitas, Ioannis Gklavakis, Friedrich-Wilhelm Graefe zu Baringdorf, Esther Herranz García, Elisabeth Jeggle, Stéphane Le Foll, Jean-Claude Martinez, Mairead McGuinness, Rosa Miguélez Ramos, Neil Parish, Radu Podgorean, Willem Schuth, Czesław Adam Siekierski, Alyn Smith, Marc Tarabella, Witold Tomczak, Andrzej Tomasz Zapalowski		
Substitute(s) present for the final vote	Alejandro Cercas, Esther De Lange, Ilda Figueiredo, Wiesław Stefan Kuc, Hans-Peter Mayer, James Nicholson		